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Church and State in Massachusetts 1691 - 1740

BY

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PREFACE.

Six years ago I was working on a brief study of the ecclesiastical development of provincial Massachusetts, to present as a master's thesis at the University of Illinois. In putting together the material I was struck with the fact that there were some broad empty spaces in the story of the gradual encroachments on the old Puritan system by religious dissenters. By the middle of the eighteenth century Anglicans, Baptists and Quakers were all recognized in ecclesiastical law and possessed certain privileges, but the process by which these results had been gained was not clear. Histories of New England Baptists showed that the real work of this sect was practically limited to the second half of the century; local histories of Anglican churches recounted the efforts of the Massachusetts Churchmen; but neither explained the steps by which all three groups gained a fairly comfortable status in Massachusetts law before the middle of the eighteenth century.

A solution of this problem has been found in the early records of the Society of Friends in New England and in London. The best collection of New England Quaker records, the minutes of the New England Yearly Meeting and of the Rhode Island Quarterly, are in the library of the Moses Brown School at Providence. Others may be found at the Newport Historical Society, the New Bedford meeting house and the meeting house at Lynn. All have been used again and again for local and genealogical purposes but rarely for any general study. In every case they show so close a connection between the Quakers of Massachusetts and those of England that the records of the London Yearly Meeting and the London Meeting for Sufferings are essential for a clear understanding of what the New England Quakers of the early eighteenth century were doing. At Devonshire House, Bishopsgate, the records of the London Quakers are preserved in the Friends' Refer-

ence Library and tell a story of astonishing Quaker activity, of which the work done for New England was but a small part.

I wish to express grateful appreciation to the members of the Society of Friends who put their time at my disposal and made it possible for me to use the various Quaker records. Here I would mention especially Dr. Edward T. Tucker of New Bedford, Dr. Seth K. Gifford of the Moses Brown School at Providence, and Norman Penney of the Friends' Reference Library in London.

Aside from the Quaker collections my materials have been found in the State House at Boston, the Massachusetts Historical Society, the New England Baptist Historical Society, the Boston Public Library, the Rhode Island Historical Society, the John Carter Brown Library at Providence, Essex Institute at Salem, Bristol County (Mass.) Court House at Taunton; and in London at the S. P. G. House, the British Museum, Dr. Williams' Library, the library of Fulham Palace, the Public Record Office, and the office of the Privy Council.

I especially want to acknowledge the courtesy and kindness of Mr. C. F. Pascoe who made it possible for me to use the letters and journal of the Society for the Propagation of the Gospel, and the Rev. Sadler Phillips who put at my disposal certain boxes of papers belonging to the library of the Bishop of London.

For constant assistance and advice I am indebted to Professor Evarts B. Greene of the University of Illinois, under whose direction this study has been completed.

SUSAN MARTHA REED.

LAKE ERIE COLLEGE,
SEPTEMBER, 1914.

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CHAPTER I.

Introduction.

The year 1691 opens the second period in the constitutional history of Massachusetts. From the coming of the Puritan settlers of the town of Boston in the stirring days of Charles I's reign to the last years of the restored Stuarts, the Bay Colony had nothing more elaborate than the old charter of 1629 as its instrument of government. This was not primarily a document for the governing of a colony but the charter of a commercial company, organized by certain English Puritans with a view of settling the Massachusetts shore, but not then ready to state their purpose of becoming colonizers. With the sudden transformation of the stockholders of the Massachusetts Bay Company into settlers of Massachusetts Bay, this charter, carried across the Atlantic, became the source of authority in the local administration of affairs, and by a gradual process of stretching and adapting its provisions to suit the new conditions it was made to serve as a colonial constitution for over half a century. In this way an unusual degree of independence was maintained by the local authorities, and the spirit of the leaders in this Puritan experiment in government became strongly fastened on the manners of the colony. A governor and council as well as an assembly were elected by the freemen of the colony, and the legislative body kept up the traditions of the first-comers in maintaining a theocratic and exclusive form of government which was fully developed and fairly aggressive by 1660.

This in itself was irritating to the restored Stuarts, who were suspicious of an independent colonial government so thoroly Puritan; but the attack which was begun upon Massachusetts in Charles II's reign was primarily economic. The Navigation Acts of England were fashioned to produce a more efficient commercial system

throughout the empire. To promote this scheme, every province must bury its individual advantage for the good of the whole,—a thing which the colony of Massachusetts Bay was not content to do. The resistance to authority which Massachusetts offered, with other evidences of an independent spirit, was the cause of the investigation ordered in the colony in the sixties, of the coming of Edward Randolph as royal agent, and of the subsequent *quo warranto* proceedings which resulted in the loss of the charter. Pending the organization of a strong royal government, Massachusetts during part of the year 1686 was under the authority of a governor and council appointed by the king. Then followed its incorporation in the Dominion of New England, a territory planned to embrace all the broad lands lying between the Delaware and the St. Lawrence, and placed in the hands of Sir Edmund Andros as governor and representative of the royal prerogative of the later Stuarts. Widespread dissatisfaction with the Andros regime found a chance to express itself when the news of the English revolution of 1688 reached Boston, and the royal government was then overthrown.

In the meantime Increase Mather, who had been dispatched to England as the representative of Massachusetts in the general resistance to Andros, had been making every effort in frequent audiences with James and later with William to secure the old charter once more. This proved impossible and inadvisable; all that remained was to attempt to obtain a new charter from William and Mary which should reserve to the governing powers of Massachusetts as much as possible of their former rights and privileges. The result was the province charter of 1691 which opened the second period of Massachusetts history. During the interim between the overthrow of Andros and the arrival of the new charter a temporary government along the old lines managed affairs but gave way to the new régime when the second charter reached Boston. The method of reorganization in Massachusetts indicates the extent to which William III continued the colonial policy

bequeathed him by the Stuarts. In the charter of 1691 Massachusetts, which now included Plymouth, was made a royal province. The governor was to be appointed by the king and to possess an extensive veto power, while the king himself held the further right of refusing colonial legislation. By these means the authority of the General Court would be much limited and the province would be forced to fall in line to a certain extent with the wishes of the English government. The old order suffered severely by these limitations of its political power. It suffered also as an ecclesiastical state through a change in the franchise. The older rule of church membership as a qualification for voting now gave place to a property qualification, and many persons formerly excluded now had a voice in the government. Thus it came about that Massachusetts began the second period of her history with an enlarged boundary and under a royal government, on aristocratic lines as before, but no longer as a theocracy. The influence of the new government on the relation between church and state was soon to become apparent.

The Massachusetts charter, as we have seen, illustrates the way in which William III followed the colonial policy of the last two Stuarts in its political and economic phases. William believed, as had the Stuarts, that the well being of the empire lay in the enforcement of the Navigation Acts; he believed that colonial governments which had shown a tendency to resist such law in a spirit of independence must be controlled, and that the way to do this was to be found in uniting them and bringing them more closely under the crown. In the reign of Charles II there had appeared some indications of a desire to advance a religious policy, suggesting the ambitions of Archbishop Laud in the days of Charles I. That unity, so desirable in the administration of the colonies, might be forwarded by supporting the missionary work of the Anglican Church in the British possessions beyond the seas, and by means of the establishment of Episcopacy as the state church throughout the colonial empire the royal government might

have a definite hold upon the colonies. That variety in religious forms and creeds, which was characteristic of British America, was increasing the growth of particularism which the authorities at home were anxious to prevent, as it made more difficult the problems of administration. It is doubtful if such a plan was ever frankly recognized as a governing policy. Certain it is that while the commercial greatness of England was an object which each reigning house and each political party came more and more to seek, the enforcement of such a religious policy as this depended too much upon the attitude of monarch or chief minister toward the English Church.

If such a scheme was in existence, lying dormant, at the accession of William and Mary, it was not to be called to activity by a representative of Dutch Protestantism and low churchmanship. Succeeding reigns, which adhered to the enforcement of British imperial control over the political and economic life of the colonies, were inconsistent in ecclesiastical affairs. This side of colonial policy was for the most part neglected during the century introduced by the coming of William of Orange except under Queen Anne. The reign of William and Mary was in this way a disappointment to the English Church, and much more so was the period of the early Georges, when the Church in its enterprises over the seas received little sympathy from Walpole. For this reason the Church of England, during the greater part of this time, found itself on almost the same footing in the colonies as any one of the dissenting sects. The laws which proclaimed an establishment at home were not generally considered as extending to the colonies. Whatever attempts were made to advance Episcopacy in the provinces belonged not to the government but to the Church itself, working through individuals and organizations in both England and America, and only on rare occasions assisted by governmental authority.

While the government failed to carry out the plan of promoting the Church in the colonies, the Church itself turned to the matter with zeal. Beginning with the efforts

of the Bishop of London, acting as diocesan of the colonies, and continued by the Society for Promoting Christian Knowledge (S. P. C. K.), under the influence of Dr. Bray, the work culminated in the formation of the Society for Propagating the Gospel in Foreign Parts (S. P. G.), which was to devote itself entirely to the British possessions beyond the seas. In the reign following that of William and Mary, when the influence of Queen Anne was cast on the side of the Society, it made a real beginning and grew rapidly.

The Church of England's enthusiastic interest in missionary work among the colonies of British America had no counterpart in any of the other Protestant sects of the mother country except the Quaker body. At the opening of the eighteenth century the Protestants of England outside of the Anglican Church were divided among four important denominations,—Presbyterian, Congregational, Baptist and Quaker,—and these sects possessed certain differences which distinguished them from one another as clearly as from the established church. Closest to the Church of England were the Presbyterians who still favored a state church but disapproved of much of the form and ceremony which the Anglicans maintained. The Congregationalists, with doctrinal views which were little different from those of the Presbyterians, denounced the theory of a church establishment, and were therefore more in sympathy with the Baptists than with the Presbyterians, except in theology. The Baptists, the term covering a number of dissenting groups which traced their origin to the continent, were more radical in their treatment of the ideas of the Reformation than any of the other nonconformists except the Quakers. The latter far surpassed them, standing alone as the Protestants of Protestants, unique in belief, in an exclusive attitude toward other Christians, and in their customs. During the last decade of the seventeenth century the leaders of the Presbyterians and the Congregationalists, the two sects having most in common, made some earnest attempts to unite on a single

platform, but neither group as a whole responded with enthusiasm, and the plan fell through. The same fate met another scheme for bringing together Presbyterians, Congregationalists and Baptists into a loose union. Through all these years the Presbyterians were the most favored by the Church and were far more inclined to compromise in matters of form and ceremony than the more rigid Baptists and Congregationalists who accordingly looked upon them with some distrust.

Union among these three bodies of dissenters was apparently impossible, and as time went on it became evident that they were less numerous and less vigorous than their early history had predicted. They were no longer growing rapidly, adding to their ranks at the expense of the Church of England, as they had in earlier days; they were at odds with one another and they were torn with religious controversy, each within itself. In the last decade of the seventeenth century came the lengthy discussion connected with the various attempts made to secure the passage of a comprehension bill which would make it possible for many of the nonconformists to be gathered again into the national church. When this failed, bringing out the points of difference rather than of likeness among Presbyterians, Congregationalists and Baptists, and the impossibility of broadening the Church so as to include any great number of them, they were almost immediately overtaken by the reactionary legislation of the early eighteenth century. After their vain struggle, during Queen Anne's reign, to oppose the Occasional Conformity and Schism Acts which seriously limited the political sphere and educational advantages of all who were not Churchmen, many gave up the position they had held as too costly a luxury. The great men of the first generation had not been followed by others of so high a degree of eminence, able to lead their followers in the face of changed conditions, and many of the prominent nonconformists, when convinced that no method of comprehension could be arranged, or when occasional conformity was made illegal,

returned to the Anglican Church. Finally, the reign of Queen Anne was hardly ended when the anti-Trinitarian controversy became acute, stretching over a period of many years and dividing the ranks of the nonconformists once more, now on new lines. Real vigor and unity were conspicuously lacking in the three English nonconforming sects which traced their origin to the Reformation.

The case of the Quakers was very different. By the second quarter of the eighteenth century their strangely rapid decline had begun but in George I's reign it was not yet apparent that their days of steady growth were numbered, and these years mark for them a period of great vigor as a religious body and as a political force. Actual persecution was now a thing of the past, and they were living like the other dissenters under the Toleration Act. In wealth and political influence they occupied a position second only to that of the established church. Their political power should in large measure be traced to their strongly centralized organization over which the London Yearly Meeting exercised supreme authority. Difficulties carried by weekly and monthly meetings to this central body were turned over by it to the Meeting for Sufferings which in frequent sittings considered all subjects with due care and took active measures for redress. Through numerous wealthy and prominent members who were close to the government in William's reign the ear of authority was reached with little difficulty. It was in Quakerism that the Anglican Church of the late seventeenth century saw its most dangerous adversary and in the Quaker doctrine read a statement of belief which it looked upon as non-Christian and attacked accordingly. The conversion of the Quakers of England was one of the purposes of the S. P. C. K., while work among the Quakers of the colonies was an important object of the S. P. G.

The duel between the Quakers and the Anglicans in the colonies, each backed by a powerful influence at home, the London Yearly Meeting and the English Church, became a leading feature of the ecclesiastical situation in

America in the early eighteenth century. The period saw the highest point in numerical strength which Quakerism reached in America as well as in England, and it saw also the most important strides taken by the Church of England in the colonies between the Restoration and the Declaration of Independence. Successful attempts were made to establish Episcopacy by law in several colonies, and Anglican churches, the result of missionary enterprise, sprang up in the whole line of English settlements from New England to the West Indies.

While the other nonconformists were relatively stronger in the colonies than in England, they were, as in the mother country, less influential on the whole than the Society of Friends. The various sects had little or no official support from parent groups at home and were even more disunited than they. Of these the Presbyterians were to be found in no great numbers as yet for the chief Presbyterian immigration, that from Scotland and Ireland, belongs to a later period. The Baptists of the colonies were more closely allied with the Quakers than with either Congregationalists or Presbyterians, for their insistence on the separation of church and state placed them at odds with the nonconforming established churches of Massachusetts and Connecticut. The latter, which called themselves Congregational but were usually known as Presbyterian or Independent, had drifted so far from any corresponding group in England that they were looked upon rather unsympathetically by English nonconformists, especially because of the extremes in ecclesiastical legislation of which both colonies were guilty.

The weakening of the tie between the nonconformists of England and New England had come gradually and through no voluntary act on the part of either. It had come in spite of a friendly intercourse between the leaders on the two sides of the Atlantic. Increase Mather was as closely associated with the nonconformists of England as with those of his native land; many of the New England ministers of 1700 had visited England or corresponded

with nonconformists at home and the works of English divines were read eagerly in Massachusetts. One primary cause for the independent growth of the churches of New England was the lack of a central organization binding them to the churches of the mother country, as existed in the case of the Anglican and Quaker bodies. Founded independently by the two branches of English dissent, the Nonconformists proper and the more radical Independents, the colonies of Massachusetts Bay and Plymouth had kept in close touch with the English Puritans through the Civil War and Commonwealth periods because of their common cause at a stirring time. Only with the Restoration came the dissolution of the bond of interest that united New England with nonconformity at home, and in view of the lack of a governing system held in common, it is small wonder that the two divisions fell gradually apart. There was no longer the exciting interest in a great common cause, an interest stimulated by the conditions in the last years of Charles I's reign; nor was there the common excitement which belonged to the period of the Civil War in England when many of the New England Puritans returned to enter the army.

From the Restoration on the nonconformists of England and New England had diverse interests and developed differently. On the Massachusetts shore the two Puritan colonies grew more and more closely together and worked out a system of church and state government which drew inspiration from both Plymouth and the Bay. At the time of the province charter, which joined Plymouth to its larger neighbor, the final compromise was effected and the two systems merged into one. This was the basis of Massachusetts ecclesiasticism in the eighteenth century. At the same time the aggression of outside forces was helping to weld together more firmly the members of the "standing order." Such was the coming of the Quakers with the conversion to Quakerism of many persons of the Massachusetts towns who had already given evidence of a varying form of theology. A little later the recognition of the

Church of England worship in Boston, in James II's reign, tended to increase that rigidity in theology and ecclesiasticism which was a characteristic of the second and third generations of New England nonconformity. This development in Massachusetts failed to attract much attention from the English nonconformists who would not have been very sympathetic toward it; and conditions in England, already described, were in the meantime holding their attention and giving them interests which made little appeal to New England Congregationalism. The discussion connected with the comprehension bill emphasized distinctions between Anglican and Puritan which New England had taken for granted and had no desire to minimize. The reactionary legislation of Queen Anne's reign did not extend to the colonies. The anti-Trinitarian movement, which convulsed England in the early eighteenth century, had no great effect in New England until almost a century later. From these ecclesiastical and theological contests waged in England during the reign of William and Mary and that of Anne New England Congregationalism was therefore well nigh free, and in proportion to this freedom it hardened and narrowed, drawing apart and caring little for the constantly developing and increasingly liberal dissent of England.

In spite of this failure on the part of New England nonconformity to maintain a close union with the dissenters in England, the strength of the state church in both Connecticut and Massachusetts was such that Quakerism made but slight inroads in the former and in the latter was pushed out into the border counties. For this reason the Church of England, when planted in Connecticut, was facing not the Quakers but rather the strongly established Congregational system. Massachusetts, on the other hand, offers the unique case of a three-cornered combat in which the two bodies which possessed most vigorous support at home and were victorious, one or the other, in most of the middle and southern colonies, were here outnumbered and long defied. Their adversaries, the Congregationalists,

while not receiving systematic, organized help from a parent group abroad, were so united and so rigid that for a long time they were able to deny any concessions.

Altho the New England nonconformists were not receiving direct aid from the dissenting bodies in England they were supported indirectly by William's government. The Massachusetts province charter itself indicated the extent to which sympathy might be expected from this Dutch Protestant ruler who was frankly disappointed in the failure of the comprehension bill and in his inability to do better for the English nonconformists than to secure the Toleration Act. The new charter, the work of Increase Mather, under the authority of William, specified that liberty of conscience should be allowed throughout the province, and no special recognition of the Church of England was demanded. It failed therefore to support the encroachments of Episcopacy which had appeared in the previous decade, aided by Randolph and Andros. The next few years saw the allowance by the king in council of Massachusetts legislation which practically renewed the ecclesiastical system of the seventeenth century. While to a certain extent continuing the methods of the Stuarts in dealing with political and economic problems in New England, William was not ready to make great use of the English Church as an agent in accomplishing his object.

The opposition to the established church of Massachusetts which had been opened by the intruders of the mid-seventeenth century was renewed soon after 1691 and now had an altered basis for attack in the terms of the new charter. The Quakers were the first to enter the conflict, drafting appeals to the governor and to the Friends of London before the S. P. G. had even been organized. They were regularly supported by the Baptist churches of the province, but the assistance thus given them was meager, as the Baptists were not a numerous sect in New England until after the religious revival of the middle of the century known as the Great Awakening. The Anglican invasion of Massachusetts, pushed forward after the founding of

the S. P. G., was an important factor in the progress toward the new era, but was less effective than the Quaker movement for reasons that will appear. The work of Anglican and Quaker, while slow and difficult, was aided by the low condition of spiritual vitality which New England experienced in the years immediately preceding the Great Awakening. The very absence of spiritual vigor demanded many laws to enforce customs which were now tending to lapse, as the people were no longer interested in maintaining the old standards. The elaborate ecclesiastical structure reared in order to meet the situation was artificial, and had no strength of its own to resist continued pressure upon it.

The nature of this artificial structure and the scheme of attack made against it by outside forces will be treated in the following discussion. As a study of institutions it places some emphasis upon the actual constitution of the Massachusetts church town at the highest point of its development and just before its disintegration began. As a study of English influence on colonial life it pays some attention to the political and religious forces at work in England to show what part they played in the events which occurred in Massachusetts.

CHAPTER II.

The Ecclesiastical System of Provincial Massachusetts.

The province of Massachusetts Bay offers an unusual field for the study of contending religious forces in America in the early eighteenth century. Against a stronghold of rigid church establishment, in the hands of nonconformists, two religious bodies, Anglican and Quaker, contended for years with little apparent effect but with ultimate success. In so doing they gradually broke down the Massachusetts ecclesiastical system which had come into being in the seventeenth century, had withstood the attacks of Antinomians, Baptists and early Quakers, had lapsed during the Andros regime but was later revived under the province charter. In elaborateness of detail and rigid formality the system reached its highest development in the first quarter of the eighteenth century, in the years when organized attacks upon it caused it to draw its mantle of exclusiveness more closely, and before the attacking forces had begun to gain their demands. It was, therefore, under the provincial government and not during the colonial period that this eminence was attained, a fact surprising in view of the many ways in which the province charter created a new era.

Postponing for the moment a consideration of the structure of the Massachusetts system as it was formed in the seventeenth century and hardened in the early eighteenth, let us examine the status of the man who did not sympathize with the existing order in the period before the provincial government. Perfect sympathy, as expressed in church membership, was required as a qualification for admission to the privileges of the body politic under the first charter, and an increasing majority of the inhabitants

of the colony were thus excluded from the franchise in spite of the results of the half-way covenant. Actual hostility, such as appeared in the views of certain dissenting sects which had crept in, was the attitude which the persecuting laws of the seventeenth century were framed to meet. Permitted more and more to lapse, these laws became a dead letter with the abrogation of the charter and under the governments which immediately succeeded. In the commission by which James II constituted a president and council for Massachusetts Bay, a "liberty of conscience" was ordered to "be allowed unto all persons," the Church of England to be "particularly countenanced and encouraged."[1] While the Churchmen of Boston, under the leadership of Randolph and Mason, the only Anglicans on the council, failed to make hoped-for headway, the New England Quakers were recording their appreciation of the changed conditions when they met in the summer of 1686. "We enjoy outward Peace at present," they wrote to the London Yearly Meeting, "the parsecuting spirits being under contemp themselves, and much awed by the present Power in England, so that we enjoy our Meetings Peaceably."[2] The injunctions issued to Dudley, when repeated in the Andros commission,[3] resulted in very unusual concessions which were allowed to both of these hostile bodies. The progress which was made by the Episcopal group in Boston was among the causes of the attempt to regain the charter, as well as of the revolt against authority in 1689; the other religious sects were well satisfied in finding

[1]5 *Mass. Hist. Colls.*, IX, 150.

[2]*Epistles Received*, I, 19. A letter written to London later in the same year expresses more strikingly the same idea. "Them that were secure and had made their nests in the Stars, are now in some measure brought to the Dust; their Dagon is fallen, and their Arke is taken, And now are crying whose sorrows are like ours: This we see is the Lords doings, and it appears Marvellous to many, that in the Bloody Town of Boston, and other places where Friends were a hising and by work among them: have now Equal privilege with their persecutors, by reason of the Kings indulgence for Liberty of Conscience." *Ibid.*, I, 21.

[3]3 *Mass. Hist. Colls.*, VII, 147-148.

themselves for the time being relieved from taxation for the support of the Congregational system.[4]

While the towns in general went back to their former methods when the old order was resumed in 1689, its basis was entirely altered when the new charter went into effect two years later. Provisions regarding the relation of church and state are conspicuously lacking in this document, and because no special prohibition was there laid down it was possible for the General Court to renew the ecclesiastical framework of the seventeenth century without exceeding the law. The only limitation appeared in a clause which stated that

> for the greater Ease and Encouragement of Our Loveing Subjects Inhabiting our said Province or Territory of the Massachusetts Bay and of such as come to Inhabit there Wee doe by these presents for Our heires and Successors Grant Establish and Ordaine that for ever hereafter there shall be a liberty of Conscience allowed in the Worshipp of God to all Christians (Except Papists) Inhabiting or which shall inhabit or be resident within our said Province or Territory.[5]

Later controversy raised a storm over the meaning of "liberty of conscience . . . in the Worshipp of God." Examined in the light of events in England at the opening of William's reign and of conditions prevailing in Massachusetts during the years of the Dominion of New England, the meaning is obvious. As an echo of the Toleration Act the province charter was attempting to bring the nonconformists of New England a full assurance that they should suffer no interference in their method of worship by the state church of England. It was therefore in accordance with one of the special requests submitted by Increase Mather. Further than this it gave assurance to the several dissenting sects in Massachusetts that the general tol-

[4]The London Yearly Meeting, recognizing the opportunity afforded by the appointment of Andros, had urged the New England Quakers to appeal to him, and the latter answered with the report that upon application he "has taken off that oppression and Yoak that Friends were under for Maintenance of Ministers so called: And Friends have a good Interest in him: and he is very kind & Curteous to us." *Epistles Received,* I, 58-59. See also Palfrey, *New England,* III, 522. A Quaker petition bearing on this matter in an individual case appears in *Mass. Archives,* XI, 40.

[5]*Mass. Prov. Laws,* I, 14.

eration which they had attained by the end of the colonial period should be continued.

Neither the hierarchy of Massachusetts nor the dissenter was satisfied that the interpretation should stop here. The hierarchy found expression for its view in the laws for "maintaining religion" which renewed the old ecclesiastical system; the scattered representatives of the other sects denounced such action as an infringement of the same clause. The view of the elder Mather appears in the election sermon which he preached in 1693.

> Your religion is secured to you, [he announced.] Now you need not fear being sent to Prison (as some of you were under a late Government) because you scruple Swearing by a Book. You may Worship God in the greatest Purity, and no one may disturb you. If you set apart Daies for Solemn Praier or Praises, as the Divine Providence may call thereunto, you need not fear being interrupted or Obstructed therein as it was here six years ago. You may by laws not only Protect, but encourage that Religion which is the General Profession of the Country.[6] Religion is forever secured, [repeated his son,] a righteous and generous liberty of conscience established. And the General Assembly may, by their acts, give a distinguishing encouragement unto that religion which is the general profession of the inhabitants.[7]

The policy here recommended was hardly expressed in public law before the opposing forces were announcing their interpretation of liberty of conscience. A Quaker appeal of 1702, complaining of taxes for the ministry, begged for a "Liberty of Conscience in the Exercise of Religion as a Priviledge granted by their Majestyes Charter,"[8] and later petitions to the provincial assembly and to the crown repeated over and over the same idea. To favor one system of theology and church practices, taxing all persons for the support of the favored method, was looked upon by those not in sympathy with the establishment as an infringement of the charter.[9] Many years later Isaac

[6] I. Mather, *The Great Blessing of Primitive Counsellours*, 21.

[7] C. Mather, *Parentator*, 141.

[8] *Bristol Sessions*, I, 38.

[9] The position is carefully taken in an elaborate representation to the crown from the Baptists of Rehoboth in 1715.

> "whereas King Charles the Second of happy memory. When Complaint was made unto his sacred Majestie of the Cruell abuses that his Loyall

Backus, the Baptist historian, in critical comment on Cotton Mather, made the assertion that for the General Assembly to "give a distinguishing encouragement" unto a certain form of religion was nothing less than to "empower some to judge for others about worship, and to enforce their judgments with the sword; which is the root of the worst persecution in the world."[10] These two conflicting opinions in regard to the meaning of the charter and the rights of the dissenting sects in the province became the basis of the struggle which continued through a large part of the eighteenth century.

In pursuance of the Mather theory that laws might be passed for the encouragement of that form of religion which received popular favor, the General Court began to put once more into operation the system for financial support for the orthodox ministers of the towns which, so far as it was a matter regulated by the central authority, had recently lapsed. In Boston no difficulty had been occasioned because of the long standing custom of supporting ministers by voluntary contributions.[11] In the

subjects met with all in the Massathusetts Collony in New England, Namely, the Baptists, and the Quakers, and that from the Independant and Presbiterian parties, and that upon the Account of Religion, Some they Severely fined, some weer Cruelly punished, and put to Death, he Did quickly put a Stop to their Tirannie and Enlarged the Libertye of his poor Distressed subjects, to his Immortal honour, Granting Libertye of Conscience in the Worship of God to all his good Subjects in this Province which we Enjoyed allsoe in the Reign of King James the Second, and Confirmed by King William the third and Queen Mary, By Charter for the Better Encourageing of there Subjects in New England, and when your Sacred Majestie Came to the throne you was pleased to Indulge the tender consciences of your good and Loyall subjects in this Province, for which we owe all true Allegiance to the Church of England for Ever, Yett notwithstanding it has been the Practice of many towns within this province, and Still is to Rate and make Distress Upon the Estates of men whoe Differr in Point of Worship, as the Case is with us in this town of Rehoboth." *S. P. G. Papers,* B I, No. 169.

[10]Backus, *Baptists,* I, 446.

[11]*Ibid.,* I, 448. In "The Present State of New England", Randolph writes, "The Ministers in Boston are paid by a Collection weekly made in the several Congregations by the Elders, who give the Ministers what

country, however, especially in towns least in sympathy with the state church, a real problem had presented itself, as the ministers had found themselves unable to collect their salaries.[12] By a law of the 17th of June 1692, the preamble of which stated that

> several taxes or assessments, necessary for the support of the ministry and other public charges arising in the several counties and towns within this province, have been laid upon the inhabitants, and orderly committed to the constables or collectors by the selectmen or assessors in the several towns . . . and in many places remains uncollected,

it was ordered that the constables and collectors be required to collect all such rates and pay them to the county treasurer in each county or the selectmen in the town where they were made before the 10th of the following December. In any county or town where such taxes had been agreed on but not assessed, the selectmen of the several towns were ordered to make such rates and commit them to the constables to be collected in the same manner.[13]

Toward the end of the same year came the first of the acts "for the settlement and support of ministers and schoolmasters" under the provincial government, differing only slightly from seventeenth century legislation on the same subject. Each town in the province was ordered to take due care to be provided with an "able, learned orthodox minister or ministers, of good conversation," the same to be suitably maintained by the inhabitants of the town. If the inhabitants failed to make a contract, then, upon complaint to the quarter sessions of the peace for the county, the latter was empowered "to order a competent

they think fitt, but in other Towns they have a settled maintenance by a rate laid upon every Inhabitant, & houses are provided for them." Perry, *Ch. Docs., Mass.*, 6. "In some Churches, the Salary of the Minister is raised by a *Voluntary contribution;* especially in populous Places, and where many Strangers resort." C. Mather, *Ratio Disciplinae*, 20.

[12]"Discoragmts upon the hearts of the ministers increase by reason that a licentious people take the advantage of a liberty to withold maintenance from them." Samuel Willard to Increase Mather, 10 July, 1688, 4 *Mass. Hist. Colls.*, VIII, 571, Mather Papers.

[13]*Mass. Prov. Laws*, I, 28.

allowance unto such minister according to the estate and the ability of the town; the same to be assessed upon the inhabitants by warrant from the court, directed by the selectmen," who were then to assess the same and cause it to be levied by the constables. The act further provided that in case a town was without a minister for six months the court of quarter sessions should order such town to provide itself immediately; and in case it failed to do so, the court should procure and settle a minister there "and order the charge thereof and of such minister's maintainance to be levied upon the inhabitants of such town." So far no new theory was involved but in the fourth section appeared a new principle. Under the colonial government it had been customary for the members of a church to elect the man who should become their minister; but as church members only could become freemen and hence voters in town affairs, this was practically equivalent to the election of a minister by the town in those towns of the province which still had but one church. That it was looked upon in this way is probable from the fact that the new law ordered that a minister should be chosen by the major part of the inhabitants of a town in town meeting; and that the whole town should then be obliged to pay towards his settlement and maintenance.[14] Immediately there arose a difficulty, for the new charter had done away with the old church membership qualification for voting and had substituted a property basis which, now applied, meant that a far larger group of people than the members of a church would be electing its minister.[15] Further than this it failed to satisfy the conditions existing when there was more than one church in a town, particularly true of Boston where even the provision in regard to maintenance was

[14] *Ibid.*, I, 62.

[15] "That the world would soon have power over the church." Isaac Backus to Jedediah Morse, 9 March, 1791. *Backus Papers* (New England Bap. Hist. Soc.), Portfolio 42. Cf. the Massachusetts state constitution of 1780 which again introduced this method, thereby causing difficulties at the time of the Unitarian movement which hastened the separation of church and state.

a dead letter because of the well established method of voluntary contributions to which the Boston churches were accustomed.

Before dissatisfaction with these provisions had caused any change in legislation, the General Court continued its supervision of ministerial support in an act for regulating townships and town officers. It was enacted (16 November, 1692) that the selectmen or townsmen should assess the inhabitants and other residents of a town and the lands and estates lying within its bounds to all town charges ordered by the inhabitants in town meeting "for the maintenance and support of the ministry, schools, the poor, and for the defraying of other necessary charges arising within the said town," the constable or constables thereupon to levy and collect such assessments,

and to make distress upon all such [as] [*who*] shall [*neglect or*] refuse to make payment. And for want of goods or chattels whereon to make distress, to seize the person and commit him to the common goal of the county, there to remain until he pay the sum upon him assessed as aforesaid, unless the same, or any part thereof, upon application made unto the quarter sessions, shall be abated.

A penalty of five pounds was then declared for refusing to take the oath when duly chosen to serve in the office of constable, and in case the delinquent constable refused to pay this fine, it was to be levied by distress and sale of his goods, the overplus returned.[16]

Meanwhile, the unsatisfactory provisions of the act for the settlement and support of ministers was causing annoyance, and to dispel it an act was passed on February 17, 1693, to explain and alter some of its clauses. The new law repealed the fourth section of the older one and gave each church power to choose its own minister with the restriction that this act of the church to be valid must be concurred in by "the major part of such inhabitants as do there usually attend on the publick worship of God, and are by law duly qualified for voting in town affairs."[17]

[16]*Mass. Prov. Laws*, I, 66.

[17]More simply this expression might read, "the majority of the townsmen qualified to vote in town meeting,"—for it was in town meeting that the matter was decided. By "Such inhabitants as do there usually attend"

The clause allowing for his settlement and support was made more explicit, ordering that whether it be an incorporated town or merely a "part of a town, or a place limited by law for upholding the publick worship of God, all the inhabitants, and rateable estates lying within" it should be obliged to pay in proportion. In the case of Boston an exception was made in both of these matters and this town was allowed to continue its "accustomed method and practice," each church responsible for the choice of its minister, and his support dependent upon the voluntary contributions of its adherents. In dealing with defective towns the second law was much more definite and went farther. Where a town neglected its duty in regard to maintenance of the ministry, the court of quarter sessions, upon complaint, should summon the selectmen or other assessors and impose a fine upon them

not exceeding forty shillings each person for the first offense; and upon a second conviction of such neglect to impose a fine of four pounds upon each person; and the like sum of four pounds for every after conviction; such fines to be levied by distress and sale of the offender's goods (returning the overplus if any be).[18]

Such definite measures as these were the result of new conditions created by the provisions of the province charter. With the merging of Plymouth Colony in Massachusetts there came under the Boston government three new counties, in each of which were towns that for thirty years had

is meant the persons who are included in the precinct, whether church members or not, and who would be expected to attend at that meeting. Nowhere is the exact situation, when finally developed, more clearly stated than in *Ratio Disciplinae*, 15-16. Mather here says that after the church members have voted to call a certain minister, they "have a Meeting with the other Inhabitants of their Neighborhood, who are not yet arrived into the State of *Communicants,* When they do *all* together put it unto the *Vote, Whether they have no Objection against the Choice of Mr.* A. B. *to be the Minister of the Place; but shall concurr, to support him in the Exercise of his Ministry.*

Except the *Major-Part* of the Inhabitants (inclusive of the *Communicants*) do agree to this latter *Vote,* the Act of the *Church,* does not in the *Law,* make the *whole* Taxable in the Maintenance of the Minister, which the Church doth chuse."

[18] *Mass. Prov. Laws,* I, 102; Backus, *Baptists,* I, 448.

been establishing independent religious services recognized by their own town government and resisting the Plymouth General Court. To provide against this state of affairs among the Baptists and Quakers of Buzzards Bay, Cape Cod, and the Rhode Island border was the chief purpose of the ecclesiastical legislation of Massachusetts for the next thirty-five years.

The law just quoted went into effect in the winter of 1693. One year from the following May, at the time of meeting of the general assembly of Massachusetts Bay, when, as was customary, the ministers of the province were assembled in their annual convention at Boston,[19] they framed a memorial to present to the General Court describing certain difficulties which some of their number were experiencing under the existing legislation.

Inasmuch as destitute Churches are plunged into Extreame Difficultys, [ran this memorial,] in their Election & settlement of Ministers by ye Opposition wo their Acts find from ye Non-concurrence of ye other Inhabitants in their Towns, It is requested that ye Late Act of ye Generall Court referring thereunto, may be Explained, with an Additional Clause, Declaring, what shall bee done by Churches, In Case ye other Inhabitants in a Town Oppose their Acts in ye Calling of a Minister, without giving Satisfactory Reasons for their Non-concurrence.

It was suggested that the inhabitants of the town might in such a case call a council of representatives from several other churches who should consider the question under discussion, and in case of agreement with church rather than town could annul the vote of the town meeting. The charges arising from the entertainment of such a council should be paid by a levy upon the whole town.[20] No law to this effect was passed in this session, but in the following year the ministers again reminded the court of the "many parts of the Country which from year to year live without any settled Ministry," and urged that "This Hona Court would take it into their Consideration whether a Committee may not be appointed . . . to Tender fit Methods for the Establishment of the Christian Religion in those

[19]Walker, *Creeds and Platforms of Congregationalism*, 467-469; Mather, *Ratio Disciplinae*, 176-177.

[20]*Mass. Prov. Laws*, VII, 537.

places."[21] The court now took action. On June 13, 1695, the substance of the memorial of 1694 became law in so far as it provided for the calling of a council "consisting of the elders and messengers of three or five neighboring churches" in case of the non-concurrence in the church's act by the town.[22] It did however suggest the possibility

[21] *Mass. Archives,* XI, 90.

[22] "In Case of a Difference between the Church and the *Inhabitants* on this Occasion," Mather writes, "the *Law* provides the Remedy of a *Council,* from three Neighbour Churches, to decide, *Whether the Inhabitants ought to acquiesce in the Choice, wherein the Church has gone before them.*

Tho' the *Law* of the Place, about the *Chusing and Settling of a Minister,* (which has had the *Royal Sanction*) be a very wholesome Law, and have much of the *Gospel* in it, yet there grows too much upon the Inhabitants, who are not yet come into the *Communion* of the Churches, a Disposition to supersede it, and over-rule it; Many People would not allow the *Church* any Priviledge to go before them, in the Choice of a Pastor. The Clamour is, *We must maintain him!*"

Mather next quotes "Some of our Divines" who say, " 'A Body of Christians, *Associated* for all the Ordinances of the Gospel, are a CHURCH of our Glorious LORD, which have among other precious Priviledges, a RIGHT from HIM, *To chuse their own Pastors.*

* * * * * * * *

To introduce a *Practice* in the *Choice of a Pastor,* which, being followed, may soon bring a *Pastor* to be chosen for a *Church,* which *few,* yea, *none* of the *Church* have ever Voted for, would be to *Betray* and even *Destroy* a most Valuable RIGHT, that such a Society has a Claim unto, and many *evil Consequences* are to be expected from it.

Nevertheless a CHURCH, in the Exercise of its RIGHT, ought in all possible Ways, consistent therewithal, to consult the *Edification* and *Satisfaction* of their Neighbours, especially of those, on whose *Assistance,* to carry on their Affairs, they may have much Dependence.

The *Church* ought to so manage their Choice, that, if the Neighbours have any just *Dissatisfaction,* all the Respect, required by *Scripture, Reason,* and *Gratitude,* may be paid unto it.' "

Mather finally adds, "To express the *Condescention,* in the close of these Conclusions, the Churches, do sometimes, by their Vote, make a *Nomination of Three or Four Candidates;* For every One of which the Majority of the Brethren have so Voted, that whomsoever of these the *Choice* falls upon, it may still be said, *The Church has Chosen him.* And then they bring this *Nomination* unto the other Inhabitants, to join with them in a *Vote,* that shall determine, which of them shall be the Man." *Ratio Disciplinae,* 16-18.

of this council's favoring the town's choice rather than that of the church by ordering that in this case the church should "proceed to the election of another minister;" concerning the expenses of the council it failed to take any action whatever.[23]

Two years later came a law regarding town rates which rounded out this early legislation dealing with the settlement and support of the ministry. Since certain constables and collectors of town rates had proved defective and negligent of duty, it was enacted that in case they failed to issue their accounts with the town treasurer by the time prefixed in their warrants, they should be "lyable to the action or suite of the treasurer" of the town who might "sue for and recover all such rates and assessments, or any arrears thereof, of and from those constables or collectors."[24]

From the foregoing laws may be outlined briefly the workings of the Massachusetts ecclesiastical system at the beginning of the provincial period, reproducing as closely as possible the system developed in the seventeenth century. Three governmental bodies were concerned with the church as related to the state,—the town meeting, the court of quarter sessions of the county, and the Massachusetts General Court. The legislative body passed the ecclesiastical laws ordering that each town be provided with a minister and that he should be supported by public taxation in that town, his salary to be collected by the constable or collector with the other town rates. The General Court also made it the duty of the court of quarter sessions to make sure that these laws were put into execution. Towns which failed to supply themselves with ministers were to be supplied and selectmen or assessors who failed to assess the rates might be prosecuted by this court. Lastly the town itself played an all important part in this system, for it bore the financial burden entailed and was

[23] *Mass. Prov. Laws*, I, 216; Backus, *Baptists*, I, 455.
[24] *Mass. Prov. Laws*, I, 276.

responsible for ratifying the choice of a minister made by the church members.

The laws of 1693 and 1695 offered a clear program for dealing with normal towns in their relation to the church, minister and support of religious worship. There had, however, already begun to appear that undercurrent of determination to manage effectively the communities where a large number of dissenters to the standing order prevented a willing support of the system. Trouble with them continued, and an act of 1702 for the first time stated the case by saying that

> in some few towns and districts within this province, divers of the inhabitants are Quakers, and other irreligious persons averse and opposite to the publick worship of God, and to a learned orthodox ministry, and find out ways to elude the laws provided for the support of such, and prevent the good intentions thereof, to the encouragement of irreligion and profaneness.

The law of 1692 for the fining of delinquent selectmen or assessors was now re-enacted with the further provision that the court of general sessions might in their places appoint "three or more sufficient freeholders within the same county, to assess and apportion the sum agreed or set for the yearly support and maintenance of such minister," which would then be passed with a warrant for its collection by two justices of the peace to the constables of the town to collect the amount and pay to the minister, the constables who failed of a due execution of such warrant to "incur the like pains, penalties and forfeitures as for not collecting and paying in any other rate or assessment to them committed." The court of general sessions was also to order a recompense to the assessors for this purpose appointed out of the fines set upon the delinquent selectmen or assessors, the remainder to go to the county.[25]

For the next few years following this enactment the court of general sessions for Bristol County found such determined resistance to this legislation in the Quaker towns of Dartmouth and Tiverton that the legislative body

[25] *Ibid.*, I, 505. An unsuccessful attempt was made by the Bishop of London to secure the disallowance of this act by the crown. *Ibid.*, I, 509.

of the province was forced to come to its aid with the act of November 14, 1706. The justices of the general sessions of the peace were ordered, at the opening of their court, to give special charge to the grand jury to make presentment of all towns and districts within the county destitute of a minister or failing to provide for his support, and upon such presentment to put into execution vigorously the laws relating to neglects of this kind. If their orders were then eluded by the towns concerned, the justices were to make report of their proceedings at the next meeting of the General Court. Upon receipt of this report the General Court of the province should take upon itself the care of securing a minister for such town or district, and provide for his maintenance. The course by which the latter was to be obtained carried the prerogative of the provincial government in ecclesiastical matters to the highest point which it ever dared assume. It was to add so much to the proportion of such town or district in the public taxes as might be deemed sufficient for that end, these additional sums to be assessed, collected, and paid into the public treasury, together with the other public taxes, to be drawn out by warrant from the governor by and with the advice and consent of the council and duly paid to the minister concerned.[26] On December 20, 1715, this law was re-enacted with the further provision that the general assembly in procuring a minister for a destitute town or precinct must find one who was recommended by three or more settled, ordained ministers.[27] This law was re-enacted July 5, 1722.[28]

In the meantime a series of enactments dealing with assessing and collecting of town taxes, especially where more than one precinct made up the town, modified the methods by which the minister's rate was gathered. The privileges and rights of the "precinct" as a distinct church-state were rapidly becoming crystallized. In 1702 such a

[26] *Ibid.*, I, 595.
[27] *Ibid.*, II, 26; Backus, *Baptists*, 482.
[28] *Mass. Prov. Laws*, II, 243.

district or precinct was empowered to appoint a clerk (corresponding to town clerk) and separate assessors for raising a maintenance for its minister, as well as to make out a warrant "in form as by law prescribed for town rates or assessments, directed to the constables of the town or district, for the collecting and levying of the same." In case the assesors so appointed refused or neglected to perform their duty the selectmen of the town from which such a district or precinct was set off were required to assess the inhabitants of the sum set for the maintenance of the minister thereof.[29] This law, extending only to the sums agreed on for the support of the ministry, was extended in 1718 so as to include charges for the building and repairing of meeting houses.[30]

The existence of assessors apart from the selectmen was arranged by law, for the assessing of the province rate, as early as 1700,[31] and in 1707 they were ordered to assess county and town taxes as well, the duties of the selectmen becoming thus limited. Each town was also given option in the choice of a collector distinct from the constable to collect town and county charges as he already gathered the country rate.[32] In 1710 the idea was repeated more definitely, tho the duty remained optional, and was applied to precincts as well as towns.[33] The re-enactment of this law in 1720 included a penalty for failure to serve. Anyone who refused to accept this unsought office or neglected to

[29] *Ibid.*, I, 505.

[30] *Ibid.*, II, 99, ch. 1, 19 June, 1718; Backus, *Baptists*, I, 499.

[31] *Mass. Prov. Laws*, I, 406, ch. 26, 20 March, 1700.

[32] *Ibid.*, I, 606, ch. 2, 11 June, 1707. The ministry rate seems to have been assessed separately under ordinary circumstances, "But," said Mather, "Where *Quakerism* is troublesome, some Towns are so wise to involve the Salary of the Ministry in a *general Rate* for all *Town Charges*, and so the Cavils of those, who would else refuse to pay the Rate for the *Ministry*, are obviated." *Ratio Disciplinae*, 22. "They have the Year past brought in another of their Ministers into this town of Rehoboth wherein we Dwell and have Rated us to him allso mixing up both his and their other ministers Rate with the town Debts." Representation from the Baptists of Rehoboth, 1 Jan., 1714/15, *S. P. G. Papers*, B I, No. 169.

[33] *Mass. Prov. Laws*, I, 653, ch. 5, 28 June, 1710.

take the oath was to be fined three pounds; and if he refused to pay his fine he was to suffer the same prosecution as one refusing to serve in the office of constable.[34]

Such is a brief outline of the legislation of the early Massachusetts Bay Province relating to the state church and its maintenance. Starting with the system already worked out in the seventeenth century, the General Court was forced to modify the old plan when it found that its orders went unheeded. The state church of Massachusetts was in the first instance a distinctly local affair, the town playing the chief part, the county giving assistance and the General Court acting principally as the source of authority. Variations from the normal in certain parts of the enlarged province caused a change which brought the legislative body into closer relation with the individual towns and caused it to assert a greater authority over them. After giving the county court very special powers and seeing them eluded, the General Court entered the breach, and endowed itself with the power to secure a minister where one was lacking and to pay his salary from the public treasury, adding such sum to the town's province rate. In this and in other instances the General Court came to play a very prominent part in the church life of the town. Before examining further the exact nature of the Massachusetts church town and its intimate relation to the county court and to the general assembly of the province, a short study will be made of the opposing elements in the ecclesiastical life of the province, which will throw further light on the laws above enumerated and explain the changes which occurred. While the principle of the Massachusetts system remained in force for more than a hundred years longer, its claim to complete authority was broken down at the beginning of the second quarter of the eighteenth century. We shall deal with the external causes and the nature of the change which the old system suffered.

[34] *Ibid.*, II, 181, ch. 6, 29 Nov., 1720.

CHAPTER III.

Opposing Elements.

By the year 1700 New England had lost much of the homogeneity which in the period of settlement had been possessed by the two larger colonies. In religious matters its inhabitants represented a fair sweep of opinion altho as yet they were all alike dissenters to the Church of England except the small body of worshippers at King's Chapel in Boston.[1] Rhode Island, extending toleration as it had from the first to all sects, and hence including several thousand persons of various creeds, was under a Quaker government,[2] and the prestige which this fact gave to the sect reached well beyond its own borders. While Rhode Island had marched steadily onward in its theory of religious liberty, the case of Connecticut represented the opposite extreme. Here the strictness of early Calvinism had been modified far less than in Massachusetts Bay and, tho various intruders had gained a foothold, they failed to thrive as in certain other parts of New England.[3] Between these

[1]"An Account of the State of Religion in the English Plantations in North America, by Col. Dudley, Governor of New England," *Prot. Episc. Hist. Soc. Colls.*, I, xiv, v.

[2]Samuel Cranston, elected governor in 1696 to succeed Walter Clarke, tho not himself a Quaker, was a nephew of Clarke and in sympathy with Quaker policy. Jones, *Quakers*, 199.

[3]As a case in point may be mentioned the Rogerines of New London. *Mass. Prov. Laws*, VIII, 155, ch. 102; 555. The Quakers made comparatively little impression on Connecticut. Bownas, the Quaker preacher, who visited New England in 1702-1703, recorded that no meetings were held for two hundred miles in Connecticut, and remarked, "The People being mostly rigid Presbyterians, counted it to be a great Crime to be at a *Quakers* Meeting." Bownas, *Life and Travels*, 116. About the time that the Connecticut law against heretics was revived, John Fothergill wrote, "After staying a few Meetings on *Long-Island* we set out for *New-England*, having near two hundred Miles to travel by land through the Colony of *Connecticut;* in which Space there were few or no Friends,

two positions Massachusetts was maintaining herself in a way that could not fail to become increasingly difficult. One problem had been presented to her by the annexation of New Hampshire and Maine towns which were communities of a strikingly different character from those reared under her own theocratic system. These were settlements made by persons who were primarily interested in trade and commerce and careless of her dearest theories in regard to church and state. Tho a menace to theocratic government, the inhabitants were at least neutral regarding the spread of other denominations. With the merging of Plymouth Colony in Massachusetts a far more difficult problem was offered by the presence of a few Baptist churches and a number of Quaker communities which had not been effectively dealt with by Plymouth court, far more tolerant and less aggressive as it always was than the assembly of the old Bay Colony.

Massachusetts at the time we are considering, including Maine and Plymouth, was made up of about eighty villages, scattered all the way from the fishing communities of the Maine coast, Falmouth and Scarboro, Wells, York and Kittery, to the settlements of Martha's Vineyard and Nantucket. Passing over a large section of rough hill country in the present county of Worcester, it likewise held possession of a number of promising towns in the Connecticut valley, closely related to the river towns of Connecticut. Starting at Springfield, settlers had pushed up the Connecticut and its branches until Northampton, Hadley, Hatfield, Deerfield and Westfield had all come into existence as farming hamlets, forming the county of Hampshire. Just below the New Hampshire border lay the villages of Essex county, some of them among the earliest settled communities in the colony, yet sharing many of the same frontier and trading interests as their neighbors to the northward. Here were the coast towns of Salem,

and the People generally very shy of us, and partly by reason of some severe Laws then in force there, they were afraid to converse with Friends." Fothergill, *Life and Travels*, 39.

Gloucester and Marblehead and the exposed settlements of Haverhill, Andover, Amesbury and Salisbury.[4] Boston was the center of the thickly populated region of Suffolk and Middlesex counties, the former including the capital and the old towns to the southward, Roxbury, Dorchester and Milton, and farther toward Plymouth the early settlements of Weymouth and Braintree.[5] Middlesex county, in covering a much larger area, contained some of the oldest places in the province, such as Cambridge, Charlestown, Newton and Watertown, and likewise another group of frontier communities requiring garrisons during the Indian wars. Among these were Dunstable, Groton, Lancaster and Oxford.[6]

Of the three new counties which Plymouth had recently contributed, Plymouth county itself represented the town of Plymouth, its neighbor Scituate, the Quaker communities of Duxbury and Marshfield, and the town of Bridgewater. The broad sand dunes of Barnstable county boasted the Cape Cod villages of Barnstable, Eastham, Sandwich and Yarmouth, and the county of Bristol was made up of the six thriving towns of Taunton, Rehoboth, and Swansea, Dartmouth, Little Compton, and Bristol, with the less vigorous Freetown, Tiverton, and Attleborough.[7]

In many of the frontier villages and near some of the older towns as well were scattered numerous plantations of Indians whose conversion had been a matter of serious importance to the colony in earlier days and was later taken up by the province. Here were a number of native Indian preachers and these were assisted by such of the

[4]The others represented in the Massachusetts General Court in 1700 were Newbury, Beverly, Boxford, Ipswich, Lynn, Rowley, Topsfield and Wenham.

[5]Also Dedham, Hingham and Medfield.

[6]The list also included Billerica, Chelmsford, Concord, Marlborough, Malden, Medford, Reading, Sherburne, Sudbury and Woburn.

[7]Oldmixon, *Brit. Emp. in Am.*, I, 81-88; *Mass. Prov. Laws*, VII, 238. The eastern shore of Narragansett Bay, including Bristol, Tiverton and Little Compton, was later surrendered to Rhode Island.

regular ministers as were interested in visiting and preaching in this type of parish.[8] Even the General Court took some limited measures for their evangelization.[9]

Of the organized towns of the province none lacked its regular minister except an occasional frontier community or the old settlements of Bristol county which were of a spirit definitely hostile to the purposes of the standing order.

The situation in the town of Boston at the beginning of the eighteenth century was not typical of the church life of the province. There were in Boston in 1700 four Congregational churches: the old First, the Second, under the direction of the Mathers, the South Church under Mr. Willard, and the Brattle Street Church which, because it had been founded recently on a slightly broader basis of creed and platform, was still looked upon askance by the other churches.[10] The voluntary method of contributing to the support of church and minister had very early separated church and state in the chief town of the colony, so far as this phase of the matter was concerned. Further than this the presence of three "dissenting meetings" in this town materially changed the effect which a uniformity in creed and service would have produced.[11] The society of the French Protestants, organized in Boston in 1687, had little to do with the result, as the Calvinism of the Huguenots was sufficiently close to that of New England to make the Massachusetts ministers unusually cordial. There was even some special legislation in their favor and some definite financial support given them from the public treasury.[12] It was the three "dissenting sects" of Baptists, Anglicans and Quakers which gave the religious life of

[8] *Typographus Lectori,* with Joseph Baxter, *Sermon,* 89-98.

[9] *Mass. Prov. Laws,* VII, 254, ch. 45.

[10] Winsor, *Boston,* II, 188 *et seq.*

[11] *Ibid.,* 192 *et seq.*

[12] *Mass. Prov. Laws,* VII, 250, ch. 34, 29 June, 1700. Under the date of 8 Jan., 1686/87, Cotton Mather records in his diary, "I would show all the Kindness that I can, unto the *French Refugees* arrived in this Country." 7 *Mass. Hist. Colls.,* VII, 134.

Boston so different a flavor from that of the other colonial towns.

Of these three the Church of England was the first to receive recognition and permission to build a church in Boston. Orders came from Charles II to the Massachusetts authorities that the right of using the Book of Common Prayer should be denied to no one, and through Randolph's influence an Episcopal clergyman was secured for the church of Boston who reached the town May 16, 1686. A building was begun soon after, and, tho it suffered in the revolution of 1689, was soon after open again, and represented a well recognized organization by the end of the century.[13] The first Baptist church in Boston, tho organized as early as 1685, was opposed so strenuously that it had no meeting house for many years. By 1700, however, the body was in general on friendly terms with the authorities and was more fortunate than the Anglican society in its freedom from political entanglement.[14] Toward Quakers the change of attitude in Boston had progressed even more rapidly than toward the other groups of intruders. In forty years they had passed from the violent persecution, meted out to them at their first coming, to the possession of a brick meeting house, and were no longer in general odium.[15] In 1700, then, Boston had four churches

[13]Foote, *Annals of King's Chapel, passim.*

[14]Backus, *Baptists,* I, 173-199, 205, 383-384; Wood, *First Baptist Church of Boston, passim.* As late as 1696 Mather could write of "A Preacher in my Neighborhood, who, I hope, is a good Man, however hee bee not of my Perswasion, but a froward Anabaptist." 7 *Mass. Hist. Colls.,* VII, 209.

[15]While the general tendency was to be increasingly tolerant of this sect, there were two parties in the matter, each including various shades of opinion. One of these was regretful of the former persecutions, the other only sorry that these had not been more effective. It is disappointing to find Sewall among the latter. He records that in a council meeting on August 23, 1708, he opposed granting a petition for the privilege of building a Quaker meeting house on the ground that he "would not have a hand in setting up their Devil worship." 5 *Mass. Hist. Colls.,* V, 82, Sewall's Diary. In spite of the presentation of the Quakers in *Magnalia,* (VII, 22, 23) and the author's description of them in another place as

of the standing order, a French Protestant congregation, a Baptist church, a Quaker meeting, and King's Chapel. Each of these was independent financially except for the missionary help which had been given to the Huguenots; for the Congregational churches maintained themselves exactly as the Baptists were forced to do.

If Boston was not characteristic of the province at large in its method of church support, it was essentially unlike the country towns in its inclusion of four recognized sects within a single township. While Quakerism and Baptist doctrines were present in various sections of the province and appeared side by side in several places, yet, in those districts where they were strongest, the standing order was comparatively inconspicuous. Moreover there was, as early as 1700, not a single Episcopal church in all Massachusetts except the Anglican congregation in Bos-

"Malicious as well as . . . Pernicious Enemies" (*Election Sermon, 1690,* 34), Cotton Mather had already taken a stand against their persecution on which he prided himself. "Among other things, I ran the Hazard of much Reproch by testifying in that Sermon (*Election Sermon, 1692*) against the Persecution of erroneous and conscientious Dissenters, by the civil *Magistrate.* I feared that the *Zeal* of my Country had formerly had in it more *Fire* than should have been; especially, when the mad Quakers were sent into the *Gallowes,* that should have been kept rather in a Bedlam. I did therefore on this great Occasion bear my Testimony; hoping, that if the General Assembly now thank'd me for it, *their* doing so, would bee accepted both by God and Man. I think, I am the only *Minister Living* in the Land, that have testifyed against the Suppression of Haeresy, by *Persecution.*" 7 *Mass. Hist. Colls.,* VII, 149, Cotton Mather's Diary, 14 May, 1692. The Quaker, Thomas Chalkley, visiting Boston in 1698, wrote, "I being a Stranger and Traveller could not but observe the barbarous and unchristianlike Welcome I had in *Boston,* the Metropolis of *New-England.* 'Oh! what pity, (said one,) it was that all of your Society was not hanged with the other Four!'" Chalkley, *Journal,* 18. "Remarkable was the Answer that one of his Neighbours made him, 'I wonder you are not ashamed to say so; for you know that the Judgments of God have been on our Country ever since.'" Chalkley, *Answer to Metcalf,* 389. Twenty years before this, Mr. Holmes, minister at Duxbury who had recently died, was described by John Cotton as "one of those who impute these dreadful frownes of Providence to our dealing with the Quakers." John Cotton to Increase Mather, 3 Jan., 1675/76, 4 *Mass. Hist. Colls.,* VIII, 228.

ton.[16] King's Chapel itself was an outgrowth of the royal prerogative in the capital. Outside of the chief town of the province, Episcopacy had so little reason for existence that there was no real attempt to introduce it until the formation of the Society for the Propagation of the Gospel in the following year, and even under its nourishing care the Church in Massachusetts continued to be a foreign plant.

On the other hand, the two religious bodies with which the standing order first came into conflict expanded naturally with the inevitable reaction to the strictness of seventeenth century Calvinism. The opposition aroused appeared in two distinct attacks upon the Massachusetts system as it had worked out and applied the teachings of Calvin. One of these was the attack on the alliance between church and state which the Massachusetts government had carried farther than it had ever been in Geneva. The second was the opposition to reliance on authority in religious belief. On this point the Puritans of the late seventeenth century were hardly less traditionalists than the Roman Catholics themselves, for they had substituted the authority of the Bible for that of the Church. In the attack on the relation between church and state, Roger Williams was the forerunner of both Quakers and Baptists of the later seventeenth century. In comparison with this principle, for which the Baptists have always stood, their doctrinal divergences, especially of the Particular or Calvinistic Baptists, were inconspicuous. On the question of the source of authority in religious belief, Anne Hutchinson and the Antinomians foreshadowed the later Quaker teaching. In their opinion divine revelation had not ceased and was to be sought in the immediate communion between the individual and God. "Heretical" doctrines such as these needed little stimulus from foreign sources and spread through Massachusetts with astonishing speed, dwelling

[16]Cf. George Keith. "In all the Continent of New England there is no Church of England I think, but at Boston, I have travelled through much of it, but never heard of any but that one." *Prot. Episc. Hist. Soc. Colls.*, I, xi-xii.

under the surface and then asserting themselves, dividing communities, causing migrations.[17] To such ideas as these the founding of Rhode Island was due in part, while within the Plymouth government, far less rigid as it was than the Bay Colony, were several regions which became the resort of refugees from Massachusetts. Even in Massachusetts itself Salem was early the abode of persons of the mystic type of mind, the one territory within the boundaries of the old colony where they persisted, tho they never flourished here as in the Rhode Island region.

Upon such ground as this fell the seeds of Quakerism when the first members of the society reached New England in 1656 and 1657, and tho suffering banishment, persecution and finally death, succeeded in planting the doctrine which was to be the greatest foe of New England orthodoxy for almost a century. Along theological lines the Quakers outstripped the Baptists, placing before all else the efficacy of the "inner light," and thus directly assaulting the Calvinist's emphasis upon the Scriptures as authority, the latter interpreted by the trained Calvinistic theologian. The appeal made by the Quaker doctrine in New England was therefore twofold. It attracted the more tolerant of the younger generation in whom was dawning an appreciation of religious liberty. It attracted likewise the religious individualist who fought authority in matters of belief. Among such were many of the third generation in Plymouth Colony who were carrying the principles of Independency to their logical conclusions. In the main, however, the Quaker apostacy in Massachusetts was not so much a thought movement as a popular reaction to a government aristocratic in political and ecclesiastical affairs, a government in which a large number of the people had little to say. This explains the fact that, with certain exceptions, the Quaker of New England occupied a far lower social position than the Philadelphia Friend.

[17]The pre-Quaker movement in New England has been described in Rufus M. Jones, *The Quakers in the American Colonies,* London, 1911.

Between the coming of the Quakers and the beginning of provincial government, when an extended boundary, a new franchise, and a greater liberty of conscience modified the Massachusetts ecclesiastical system, the Society of Friends was spreading rapidly. Within the limits of the old Bay Colony the one center, as already indicated, was Salem and Lynn, and from the north shore itinerant preachers traveled into the Piscataqua region which embraced the New Hampshire towns and the villages of the Maine coast. But of all the divisions of New England which in 1700 made up the province of Massachusetts Bay, the three counties which had once formed Plymouth Colony offered the most serious problems in the relation of Congregationalist and Friend. The reasons for this have already appeared. Among the Plymouth Colony people there was a tendency to resist a rigid ecclesiasticism such as Massachusetts was forming. This found expression in the Quaker and Baptist leanings of many individuals and in the comparative liberality of the Plymouth government toward dissenting sects. While it is not true that the authorities at Plymouth were in any way friendly to the Quakers, they may have been influenced in the direction of persecution by the Boston government. They were severe in restrictive laws and fined and imprisoned through a period of many years; but they failed to enforce the law in the outskirts of the colony and never made use of the death penalty.[18] The close proximity to the liberal towns of Rhode Island was of importance in maintaining this spirit in southeastern Massachusetts.

Of the three counties which had formerly belonged to Plymouth Colony and were at the beginning of the eighteenth century a part of the province of Massachusetts Bay, each maintained a thriving Quaker center. Plymouth town in her consistent aversion to the sect had relegated it to her neighbors on the northward; but here, in Scituate, Marshfield and Duxbury, to which towns missionaries from

[18]Backus, *Baptists*, I, 229, 450-453, 465; Thomas, *Quakers*, 209; Ellis, *New Bedford*, 34-36.

Rhode Island had come after 1658, the Society of Friends was holding a meeting as early as 1660.[19] In the county of Barnstable the two towns at the base of the cape, Sandwich and Falmouth, formed a vigorous Quaker community which held a meeting by 1672. The third Quaker center within the boundaries of old Plymouth Colony, embracing all the southern part of the Massachusetts Bay Province, was Bristol county.[20] There is a certain embarrassment in treating this region as a part of Massachusetts. Including as it did in 1700 not merely the townships which are still within its borders, but the whole eastern shore of Narragansett Bay as well, it represented a greater liberality and independence along political and religious lines than any other section of the province. These towns did indeed belong to Rhode Island in their history, their sympathies and their purposes, and were only geographically and politically a part of Massachusetts. The history of the religious development in them was parallel to that on the island. In many there was a mixture of beliefs unified only by an insistence upon independence of authority in both spiritual and temporal concerns. Others possessed a unity in doctrine best represented in the almost solid Quakerism of old Dartmouth. The assembly of Plymouth Colony had attempted to legislate in regard to public worship and the ministry here, but was never able to enforce its orders on the town.[21]

While Bristol county was preeminently the stronghold of Massachusetts Quakerism at the beginning of the eighteenth century, to neglect the presence of the Baptists within its borders would be unjust to a sect which, tho more restricted at this period, was destined to become the political successor of the Society of Friends. Backus recognizes only two communities including Boston in which there were Baptist churches before 1700 and mentions no other before 1736.[22] While this is accurate only if a

[19]Thomas, *Quakers*, 212.
[20]Jones, *Quakers*, 39, 40, 57, 58, 60.
[21]Potter, *First Cong. Soc. in New Bedford*, 14.
[22]Backus, *Baptists*, II, 306-310.

restricted notion is held of the qualifications of such an organization, it is nevertheless indicative of the small numbers of this group of dissenters in Massachusetts in the first quarter of the eighteenth century.[23] It is again significant of the nature of Bristol county that the first Baptist society within the boundaries of the present state was permitted to establish itself in this region many years before it had any sister church except the group at Boston. This church was founded by a body of Baptists from a town in Wales who left home with their pastor at the ejectment of the nonconforming ministers in the early days of the Restoration, found favor with certain Plymouth magistrates of liberal views, and secured the region of Swansea in which to settle. The remarkable feature in the grant of New Swansea in 1667 is that it was only a territorial grant and made no condition as to settlement and government. The immediate growth of the church was due to the fact that there had existed for several years in this part of old Rehoboth a group of persons who opposed the established church and had taken up with certain Baptist principles. Amicable relations were maintained with the orthodox members of the community, a condition made possible by the unusual catholicity of the Welsh pastor, while the church stood out only for independence from government control. Not until he was succeeded by a man who professed more rigid views in theology and drew the church with him, did religious controversy between Baptist and Congregationalist begin, in time splitting the church on sectarian lines.[24]

[23]Backus quotes a letter from Edward Wallin of London to Callender, dated 9 March, 1720, which says, "I am indeed troubled at the paucity of those of our denomination, in New England; though I cannot wonder at it, considering the treatment they have generally met with." *Baptists,* I, 487.

[24]Bicknell, *Barrington, passim;* Backus, *Baptists,* I, 282-284, 453; II, 24; E. Williams to I. Backus, 25 Nov., 1774, *Backus Papers* (New England Bap. Hist. Soc.), Portfolio 2; I. Backus to J. Morse, 9 March, 1791, *Backus Papers* (R. I. Hist. Soc.), I, 15.

Another early church in Bristol county was the one at Dartmouth itself, whose first teacher had found it profitable to leave the older part of Plymouth Colony because of liberal views. John Cooke had been deacon in Plymouth church for some years,[25] but was said to have been excommunicated for causing dissension and "running into sectarian and anabaptistical principles;" leaving Plymouth he finally settled in Dartmouth. A church was probably founded in the west part of the town about 1685.[26] At Tiverton a Baptist church is said to have been organized in the previous year.[27]

This description of the first Quaker and Baptist meetings within the limits of the later Massachusetts Bay Province has dwelt only on the more important centers of the propaganda. There were Baptists in all the Rhode Island border towns[28] and on the islands adjacent to Cape Cod,[29] while in small numbers they appeared in many other villages of Plymouth Colony. There were also a few in the Piscataqua region.[30] Quakers were found between 1698 and 1705 in many of the communities to the northward such as Hampton (Amesbury),[31] Salisbury,[32] Exeter,[33] Jamaica, [34] Newbury,[35] Haverhill[36] and Strawberry Bank (Portsmouth)[37] as well as the Isles of Shoals.[38] They

[25]John Cotton to Cotton Mather, 19 Apr., 1681, 4 *Mass. Hist. Colls.*, VIII, 251-252.

[26]Backus, *Baptists*, I, 452-454.

[27]*175th Anniversary of the Organization of the United Congregational Church of Little Compton, R. I.*, 13.

[28]Samuel Lee to Increase Mather, 25 Aug., 1687, 4 *Mass. Hist. Colls.*, VIII, 540, Mather Papers.

[29]Bownas, *Life and Travels*, 120; *Keith's Journal*, 22, 23.

[30]Backus, *Baptists*, I, 405.

[31]Chalkley, *Journal*, 18, 20; *Keith's Journal*, 8; Bownas, *Life and Travels*, 121.

[32]Chalkley, *Journal*, 21; *Keith's Journal*, 10.

[33]Bownas, *Life and Travels*, 121.

[34]Chalkley, *Journal*, 21.

[35]*Keith's Journal*, 13; Bownas, *Life and Travels*, 121.

[36]Chalkley, *Journal*, 21.

[37]*Keith's Journal*, 12-13.

[38]Chalkley, *Journal*, 20.

were living in the towns near Scituate,[39] in the region at the base of the cape around Barnstable and Yarmouth,[40] on the adjacent islands,[41] in all the little settlements on both sides of the Acushnet river,[42] while in even greater numbers they lined the shore of Narragansett bay. It has been estimated that there were three thousand within the limits of old Plymouth Colony and that one-third of the Piscataqua region was Quaker.[43]

Before 1702 there were eight monthly meetings for business in New England. These were the meeting of Greenwich, covering the Narragansett country; of Rhode Island, which included Tiverton and Little Compton; of Dartmouth; of Sandwich, embracing Falmouth and Yarmouth; of Pembroke, which included Scituate, Marshfield and Duxbury; of Salem; of Hampton; and of Dover. These monthly meetings were not long in grouping to form the quarterly meetings in which bodies the Friends did a large share of their most important work. The monthly meetings of Barnstable and Plymouth counties made up the Sandwich and Scituate Quarterly Meeting. Dartmouth and Rhode Island Monthly Meetings joined Greenwich to form the Rhode Island Quarterly, while all the northern towns, whether in Massachusetts proper, New Hampshire, or Maine, united in 1705 to make up the Salem Quarterly Meeting and to this the Boston Friends likewise belonged.[44] This centralized organization was completed

[39] *Ibid.*, 39, 45.

[40] *Ibid.*, 22, 39, 45; Fothergill, *Life and Travels*, 40.

[41] Chalkley, *Journal*, 19, 39; Bownas, *Life and Travels*, 120.

[42] Chalkley, *Journal*, 39, 45.

[43] Jones, *Quakers*, XV. Keith was underrating the Quaker strength in Massachusetts, with a view to encouraging the authorities who had sent him to lead the Quakers from their error, when he wrote, "Few Quakers are at Boston. There are some at Sandwich, some at Piscataway and others scattered Places, but very few." *Prot. Episc. Hist. Soc. Colls.*, I, xii.

[44] Jones, *Quakers*, 141, note 2; 142, note 1; *Moses Brown Papers*, XVIII, 55; *N. E. Yr. M., passim; A Brief Account of the Yearly Meeting of Friends for New England, with the Subordinate Meetings of which it is composed*, 11-22.

in the New England Yearly Meeting, occurring every June on Rhode Island, and attended by representatives from all the Quaker towns and villages who flocked to Rhode Island in great numbers. As a business meeting its importance can hardly be overestimated, for by making the local problems of all parts of two governments a matter for group consideration, it effected results for scattered hamlets which could never have been secured by anything but united efforts. The corresponding organization in England was no more thoro in this regard.

During the years of this development in the organization of New England Quakerism, there had come a decided reaction from that spirit of intolerant hatred which had been shown toward the first comers. Prejudice had lessened but little in the forty years since Quakerism first appeared in Massachusetts; but New England orthodoxy was learning that the Society of Friends was not advocating the practices of Münster in spite of the extremes to which some of the fanatics had resorted in days gone by. That tendency among the more ignorant of the first converts which the New England Yearly Meeting styled "ranterism" had existed in the earlier days but was rapidly disappearing.[45] Frowned on from the first by the better social class among the Friends, it became less and less conspicuous until little ground for complaint on this score might be found.[46] In

[45]Jones, *Quakers,* 113. "The old spirit and Principle of ye ranters the Lord hath brought down in these parts, Truth having Gained ye victory over them, so yt we meet with little opposition from them." Epistle to Lond. Yr. M., 1699, *Epistles Rec'd,* I, 301; *Lond. Yr. M.,* II, 302; "Aaron Atkinson's account of his Travels in America," *Lond. Yr. M.,* II, 313.

[46]The memorial of the Massachusetts government in respect to Quaker grievances in 1708 said, "nor are those that go Under the Denomination of Quakers now such as were then [17th century], who were some of them Open bold Disturbers of the Publick Peace and their Principles notoriously known to be Heretical, but are much refined both in principles and Conversation." *Mass. Archives,* XI, 279-280. Four years later the New England Yearly Meeting was writing to the London Friends, "our Yearly meeting hath been Very Large, and Through the great Love and Contineued ffavor of ouer gratious God and Heavenly ffather, wee have

all its early history Quakerism suffered seriously on both sides of the Atlantic from a failure on the part of its adversaries to appreciate the teachings of George Fox and his followers. It was the inevitable lack of sympathy between the mystic and the religious traditionalist, the latter represented by New England Puritan as well as by English Churchman. To the English clergy and to the New England ministers the doctrine of the inner light and the Quaker treatment of the Bible were nothing less than the overthrowing of the Scriptures as the source of authority, with the substitution of the all sufficiency of the light within. Yet more sacrilegious was the denial of the efficacy of Christ's life and death, the inner light again becoming all important and acting as a substitute for the atonement. The emphasis of the Church of England was on the sacraments, of the Puritan on the Bible. The Quaker in breaking away from the absolute necessity of either was, therefore, it seemed to both schools of theologians, not merely heretical but actually non-Christian. With increasing knowledge and a better appreciation of the Quaker's creed and purposes a far kinder spirit was awakened, while in the meantime the industry and piety of the individual Friend was beginning to make an impression which was bound to have visible results before many years had elapsed.

Enioyed the Same without aney Disturbance; Ye Spirit of Ranterism which fformerly Interrupted our-Quiett and peaceable assemblies being well Extingueshed." *N. E. Yr. M.*, 72; *Lond. Yr. M.*, IV, 326.

CHAPTER IV.

The System in Practice.

Between the inauguration of royal government in Massachusetts and the first legal confession that the Congregational church-state system was weakening and forced to make concessions, there were just thirty-six years. In this period various forces were struggling together. On the one hand appeared seventeenth century Calvinism, still guiding creed and platform, but troubled by what appeared to be the degeneracy of the times, a falling away from the fervent piety of the earlier generation. On the other hand there loomed large the spirit of persistent opposition to authority in matters ecclesiastical which was at last to make its impression because of changes that were at the time working within. These thirty-six years saw two failures of the clergy to secure governmental sanction for the holding of a synod; it saw the death of the elder Mather; it saw also the beginnings of the Anglican movement in New England and its support by the royal governors; and it saw the persistent increase in the number of Quaker and Baptist meetings which finally brought about the first exemption laws in their favor. It is for these reasons that the first quarter century under the province charter was conspicuously transitional, and yet, in the first twenty years at least, it represented the highest point which the Massachusetts church-state system reached, so far as detailed legislation and the execution of effective measures were concerned. In the colonial period the name "theocracy" best expressed the nature of the government; in the early provincial period there existed the anomaly of an enterprising royal province executing laws which maintained the shell of a weakening ecclesiasticism, the glory and fervor of which had departed. Yet another century had to pass before the system was allowed to expire and

the opposing elements were at this time only beginning to organize. On the threshold then of new adjustments in the old order, that system can best be examined, for those first adjustments made changes that greatly altered the whole legal procedure in ecclesiastical affairs. The foundation of the system was the passage of the first laws under the charter for maintaining religion; its opposing elements were the inward declination from standards of former days and the pressure from without of new hostile forces.

The strong feeling of particularism which the first churches of Plymouth Colony transmitted to the more Presbyterianly inclined meetings of the Bay had had its effect in producing a church establishment in which the central government was at first little more than a source of authority, shifting all the execution of its ecclesiastical laws upon the individual towns. The provincial assembly, having ordered that each town be provided with a minister, put it into the hands of that town and its church to procure him and bargain with him; likewise the assembly, having ordered that he be maintained, left it with each town to assess and collect the taxes therefor. A little later the county court began to play an important part in supervising the towns. Only when difficulties ensued did the General Court appear on the scene of action, acting as court of high appeal or giving advice to contending parties. This was the marked tendency of the last of the seventeenth and the first of the eighteenth century, and shows clearly in what direction matters were traveling. The orthodox towns were tending more and more to rely on central authority, while nothing short of rigorous action on the part of the government could maintain in the whole province the conditions which had been the natural expression of the religious views of the first comers. To get any idea of the actual working of the Massachusetts church-state system and of the position which the General Court came to occupy in ecclesiastical affairs, it is necessary to study local conditions; and this study will be far from perfect because of the nature of the material upon which it must be founded.

The church and state relation was the conspicuous feature of the Massachusetts community. Whether the latter existed as a plantation, as yet unorganized, as a town proper with all its accompanying privileges, as a second precinct of an original town formed on the basis of religious needs, or finally as a second separate town when the new precinct warranted such a measure,[1] the connection between the church and the town, as no less between each of these and the court of general sessions or the general assembly of the province, was close and vital.[2]

In the transitional or first stage through which a plantation passed before its erection as a town, there was often a movement, especially in those frontier settlements which

[1]Channing, *Town and County Government,* 35.

[2]A number of excellent attempts have been made to define the terms relating to New England local government in the seventeenth and eighteenth centuries. These are usually broader than the present subject requires and should be slightly modified before a perfectly clear idea can be gained of the Massachusetts ecclesiastical system in the early provincial period. *Township,* which Channing tells us (*Town and County Government,* 35) at first meant merely a tract of land granted to persons who intended there to settle a town and gather a church, is already used synonymously with town, tho less often, and when so used is likely to have a territorial sense in contradistiction to *town* as a civil organization. A group of homesteads not to be considered as a civil organization may be termed a *village;* and if it is the outlying settlement of some older town the name *hamlet* is not uncommon, as Salem village (later called Danvers) or the hamlet of Billingsgate, a part of Eastham. *Plantation,* while sometimes used in a general way for town, has more often the technical meaning, observed by Channing, of a community which has not yet acquired the dignity of a town. (*Town and County Government,* 35.) The *precinct, parish* or *district,* as it was interchangeably called, tho far less clearly defined than the town itself, was a most essential part of the Massachusetts ecclesiastical system. Briefly it was a division of a town cut off for convenience in regard to attendance at worship and support of the ministry. It had at the same time non-ecclesiastical causes and characteristics which are inclined to detract from its real significance as a little church state, its most important element. This fact is underestimated by Howard (*Local Constitutional History,* 52.) and his definitions are therefore less satisfactory. The name parish was not used interchangeably with town. Perry, *Ch. Docs., Mass.,* 65.

grew but slowly, for some encouragement of the ministry several years before township rights were granted.[3] Upon an appeal to the General Court the latter often responded with a direct money grant.[4] This transitional stage is comparatively rare in the provincial period, limited almost exclusively to the garrison towns, for by this time all the older townships were well established with extensive boundaries including practically all the accessible parts of the province.

The change from unorganized plantation to town proper therefore is seen mainly in the frontier communities.[5] Upon the organization of these frontier posts as towns, the regular laws for maintaining religion went into effect; but since the circumstances of their condition were unusual, numerous exceptions were made in their favor which gave the transition and resulting conditions an abnormal character.

The normal method of forming a new town in the provincial period was to cut off a part of an older township and erect it as a new one, or to create one from a part of an older township which had already been recognized as a separate precinct. The former was the more direct method and was sometimes resorted to when any friction in town or church affairs was likely to make the precinct system impracticable. Several towns by this means skipped the precinct period.[6]

However normal and direct this immediate formation of a new town from the outskirts of an old settlement may seem, it was not the usual custom in the provincial period; and in the history of the "precinct", its origin, its nature,

[3]Buck, *Mass. Ecc. Law,* 151, refers to the organization of the church before the town as the custom of the country but this method was not sufficiently general in the early provincial period to warrant such a statement.

[4]Brookfield, 1698, 1702. *Mass. Prov. Laws,* VII, 197, ch. 37, 346, ch. 27.

[5]Biddeford, 1716, 1718. *Mass. Prov. Laws,* IX, 475, ch. 42; 626, ch. 98.

[6]Brookline, 1705. *Mass. Prov. Laws,* VIII, ch. 22; 145, ch. 73 *et alia;* Sunderland, 1718. *Mass. Prov. Laws,* IX, 621, ch. 88.

its relation to the parent town, can well be exhibited the application of the church-state system.[7]

The first settled towns of Massachusetts resembled small counties in their broad-lying boundaries, and the meeting house, which represented the political as well as the religious center of the community, was often many miles from those townsmen who had taken up with the more distant holdings. As time went on and population increased, it was natural for the outlying farms to form together in smaller groups which, as they increased in size, became more and more dissatisfied with their long distance from the towns' center and growingly eager to begin a new community life of their own. As there were often reasons why the formation of a new town was undesirable, the precinct system was initiated, and was fairly well established when the provincial government began.

[7]Considered as an ecclesiastical unit the precinct may be defined as a geographical division of a town the inhabitants of which were in ecclesiastical law the attendants at a single meeting house. Channing (*Town and County Government,* 36) follows Buck (*Mass. Ecc. Law,* 17-18). Because of the close relation between church and state this formation involved also a civil status for the precinct, of chief importance in the collection of taxes. For this purpose the precinct generally had its separate constable or collectors and a separate precinct meeting with its own moderator and business. It was therefore equivalent to a constablewick. *Mass. Prov. Laws,* VIII, 141, ch. 64. A separate school was usually supported by the new precinct which in this way became a second district. Channing, *Town and County Government,* 36. The precinct was in the third place a military unit, such a condition sometimes occurring within a town before a second ecclesiastical precinct had been formed. Baintree, 1707. *Mass. Archives,* XI, 241. Precinct and less often parish were the technical names for such a division of a town, the latter becoming later associated chiefly with its ecclesiastical functions, a meaning which it has brought down to the present day in a modified form. *Mass. Prov. Laws,* X, 288, ch. 5. The name *society* which was applied to the persons of a precinct in their corporate existence has continued in the organization of the older Congregational churches of New England to the present day. The religious body organized as the church relegates its non-religious functions to the corporate body known as the society which is made up of the enfranchised members of the parish and manages the finances of the church. *Mass. Prov. Laws,* VII, 246, ch. 19.

The order of events was somewhat in this wise. In a corner of some old township a group of farmers, who numbered some twenty growing families, wished to have a church of their own.[8] There might have been friction between them and the leading members of the congregation, or the roads to town were well nigh impassable, or a river was dangerous of fording in the winter time. A movement would accordingly be started in the "hamlet" to petition the town to agree that they might be set off as a separate precinct. If permission was secured without further trouble, the matter sometimes ended here, with the running of the boundary line between the old and new precincts and a mutual agreement with regard to the other matters, tho an order from the General Court must in the end be gained.[9]

It was far more usual for the parent town to be very loath to lose a large and flourishing section. The hamlet might not even apply to the town, quite aware of what the result would be, or upon application and refusal it would appeal to the General Court for interference in the matter. This petition, which came from the inhabitants of the district concerned, was usually referred to a committee made up of members of the court or inhabitants of neighboring towns,[10] whose recommendations were usually accepted. But often the town was informed of the application, especially if the petition had come direct from the hamlet without previous appearance in town meeting, and then the

[8]Cotton Mather, *Ratio Disciplinae,* 1-2, describes this same development from the point of view of church government. "A number of Christians," he writes, "either swarmed into a *New Plantation,* or finding the *Church,* to which they have belonged, grown to such Circumstances, that it may be for the general advantage to have a *New Church* formed in the Neighborhood, first settle their Number, and assure themselves that their Number is *Competent,* and *Resolved* for the Undertaking."

[9]*Mass. Prov. Laws,* IX, 447, ch. 147.

[10]West Springfield, 1696. *Mass. Prov. Laws,* VIII, 111, ch. 12. Of the committee here appointed Edward Taylor was minister of the church in Westfield, Samuel Partridge the representative from Hatfield in the General Court, Aaron Cooke from Hadley and Samuel Root from Westfield, the towns in Hampshire county nearest to the west precinct of Springfield.

two sides were given a hearing and long and elaborate negotiations followed. These struggles give a wonderfully clear picture of the ambitions and interests of rural Massachusetts in the early eighteenth century.[11] In the history of Springfield, for example, there appear during this period two particularly animated cases of attempts by outlying districts to gain precinct privileges. The inhabitants of the west side of the Connecticut river[12] applied for this degree of independence on the ground that bad roads were as nothing in comparison with the danger of crossing the stream at some seasons of the year. But as Springfield offered a dogged resistance to such curtailment, the matter was soon carried (1695) to the General Court, which summoned both parties and appointed an able committee to investigate the matter. While the inhabitants of the west side were assuring the town of their ability to support a separate minister and stating that "wee have not the least thought of separating from you, or becoming a Townshipe, deeming it contrary to our Interest, and an infringement of our priviledges soe to doe,"[13] Springfield was grimly replying that they were too few to attempt any such thing and that "to row a boat or paddle a canoe is no worse than to saddle and bridle a horse."[14] The committee of the General Court was favorable to the west side, and on December 4, 1696, the order was made for erecting West Springfield into a separate precinct. Even more determined did Springfield prove in her relation to the district of Longmeadow[15] which had found the town so obdurate that after numerous attempts in town meeting covering the years between 1703 and 1706 she finally petitioned the

[11]The case of Watertown between 1692 and 1707 is typical. *Mass. Archives,* XI, 63, 64; 73, 86-87, 75, 85, 81; *Mass. Prov. Laws,* VII, 55, ch. 20 *et passim; Cal. of St. Papers, Col. Series, Am. and the W. I., 1700,* 241, 246.

[12]*Mass. Archives,* XI, 109, 107, 112, 114, 118, 130; *Mass Prov. Laws,* VII, 77, ch. 9; 111, ch. 12; 127, ch. 45.

[13]*Mass. Archives,* XI, 110, 12 May, 1696.

[14]*Ibid.,* XI, 114.

[15]*Ibid.,* XI, 215-217; *Mass. Prov. Laws,* VIII, 198, ch. 91; 233, ch. 13.

General Court for assistance. In this appeal was the statement that "wee have constantly paid our Dues towards maintainance of the Towne Minister & have for the Greatest part of these three years past upon our owne Charge hiered & provided a minister amongst ourselves & must without Releived be forced to do the same for the future except releefe be Granted."[16] In spite of Springfield's plea that she could not afford such a condition, now that the west side of the river had been cut off, and that she had placed the meeting house with the express purpose of accommodating Longmeadow, the court was not slow in granting the request, and within eight months after the date of the petition Longmeadow was made a separate precinct.[17]

Between 1692 and 1728 some twenty new precincts were formed in this way by order of the General Court. In the customary resistance on the part of the town economic factors played an important part. In locating the final dividing line therefore, it was not unusual to bear in mind where lay the best land for cultivation and to make the division accordingly.[18]

The orders issued by the General Court for the establishment of new precincts were usually accompanied by regulations of the relation between the two parts of the town thus divided, these more or less elaborate as the case might require. They regulated the financial method by which the new meeting house should be built and both maintained, the way in which the two ministers should be supported, and the disposal of the ministry land. Normally the new precinct would be excused from any further payment toward the repair or rebuilding of the old meeting house or the support of the minister, as it was now responsible for its own. Normally also it must relinquish its right to the parsonage lot of the original town and procure one for its future minister within its own boun-

[16] *Mass. Archives,* XI, 215, 18 Oct., 1706.

[17] *Ibid.,* XI, 215.

[18] Plymouth, 1695. *Mass. Archives,* XI, 92-100; Scituate, 1700. *Ibid.,* XI, 144, 145, 156, 159.

daries. But the exceptions to this simple arrangement were numerous, caused by earlier town agreements or by special conditions in the township.[19] The complicated affairs of Sudbury between 1714 and 1722[20] introduced a custom of allowing a town as a whole to support its two precinct churches.[21] This possibility of a general assessment to be divided between two or more societies was recognized in several petitions submitted to the General Court[22] and became increasingly popular.

On some occasions a first precinct continued to levy ministerial rates on the inhabitants of a new one after a court order had gone into effect, especially if the new precinct had been allowed conditionally, the old parish maintaining that the conditions had not been fulfilled.[23] If there had been special agreement with a minister at his settlement into which the whole town had entered in a peculiar way, the formation of a new precinct did not free its inhabitants from their obligation during his lifetime. But if the court deemed that taxes were being levied unjustly by the old upon the new precinct, it was ordered to desist.[24]

Most serious of all matters regulated when a new precinct was formed was likely to be the settlement of the proprietorship of the ministry land.[25] In addition to the "settlement" which a town voted its minister, and which in the early days was in land, later commuted to money,

[19]Chelmsford, 1724. *Mass. Prov. Laws,* X, 516, ch. 238.

[20]*Ibid.,* IX, 350, ch. 6; 374, ch. 83; 451, ch. 155; X, 80, ch. 4; 134, ch. 87; 166, ch. 23; 179, ch. 62; 224, ch. 188; 225, ch. 191.

[21]*Ibid.,* X, 225, ch. 191.

[22]Eastham, 1722. *Ibid.,* X, 173, ch. 43; Marblehead, 1715. *Ibid.,* IX, 426, ch. 107. The religious situation in southeastern Massachusetts resulted in a similar arrangement for Rehoboth because of the presence of many Baptists in one of the precincts. *Mass. Archives,* XI, 387; *Mass. Prov. Laws,* IX, 165, ch. 138; 241, ch. 27.

[23]Salem, 1712. *Mass. Prov. Laws,* IX, 258, ch. 82; 261, ch. 93.

[24]Lynn, 1718/19. *Ibid.,* IX, 640, ch. 131.

[25]Springfield and West Springfield, 1695-1705. *Mass. Archives,* XI, 128, 170, 177, 180, 181, 182, 196; *Mass. Prov. Laws,* VII, 349, ch. 33, 369, ch. 6; VIII, 120, ch. 10.

there were always the ministry or parsonage lands, generally including the "ministry house" or parsonage, which could be held by the minister only during his pastorate. Since this holding was more than likely to be in separate parcels in order to include the various kinds of land, such as wood lot, pasture and tilled land, the inevitable result was that if some of it fell within the borders of the new precinct, trouble ensued. On such an occasion the General Court would settle the affair with a compromise.

In arranging the boundaries between two precincts the General Court was often involved in intricate problems respecting certain farms which had expressed a definite preference for one precinct or the other. When these were adjacent to the boundary line there was little difficulty in arranging a survey which would place them in the section which they preferred. If, on the other hand, such farms lay well within the precinct limits, special exceptions for their convenience were included in the precinct order or in a later resolve, with explicit directions regarding the payment of taxes.[26]

In many cases these separate farms found themselves applying for transference not merely from one precinct to another but to a neighboring town which had set a meeting house much nearer them than was their own parish center. Even then the court might grant the request.[27] Between two of the Cape Cod towns an unusual situation of this kind appeared. For several years previous to 1719 a number of families living on the eastern side of Harwich and bordering on Eastham had been attending the Eastham meeting house and had become members of the church, while all the time taxed to Harwich and giving nothing to Eastham, for the people of the latter place were "so kind as to allow them the Benefit of the Meeting House without paying support." In 1719, however, there was

[26]Plymouth, 1695. *Mass. Archives,* XI, 97-98, 100; Weymouth, 1722, *Mass. Prov. Laws,* X, 220, ch. 175; Salem, 1719, *ibid.,* IX, 687, ch. 94; *Ipswich,* 1715-20, *ibid.,* IX and X, *passim.*

[27]Dorchester, 1721/22. *Mass. Prov. Laws,* X, 132, ch. 82, 468, ch. 102, 500, ch. 197.

built in the southern part of Eastham and only two miles from the Harwich farmers a meeting house which they would naturally attend; and they now considered it unreasonable to accept such a favor from Eastham as formerly, especially as Eastham now had the expense of two meeting houses. As it would be unjust to be obliged to pay their proportion towards support of worship in Harwich when they received no benefit from it, and yet pay their part of the charge at Eastham, they approached the town of Harwich to allow them to be cut off to Eastham. This was refused and the General Court, after considering the matter, produced a compromise measure whereby "the region was to be annexed to Eastham in all things relating to the public worship of God, but in all other respects to belong to the town of Harwich as formerly."[28]

Even when a court order had been obtained, a difficulty might occur if a group of farms which had been "set off" to another town did not succeed in asserting its rights. In 1715 six farmers of Newton, who two years before had been joined to Roxbury in ecclesiastical affairs, brought the assembly's attention to the fact that they were being rated to Newton, and some imprisoned for nonpayment. The court finally interfered with a resolve in their favor.[29]

In the absence of special legislation it was not expected that a man would frequent a meeting house outside of his own precinct or town. He would inevitably be taxed to the ministry in the precinct in which he lived and was then likely to find himself rated in the other as well, unless the latter was of a very generous spirit.[30]

[28]*Mass. Prov. Laws,* IX, 621, ch. 8; 678, ch. 73.

[29]*Ibid.,* IX, 289, ch. 16; 418, ch. 87; X, 230, ch. 205.

[30]There was also some question whether a communicant who belonged within the limits of some other town or precinct and hence paid no ministerial tax for the benefit of his own church should have power to vote in calling a minister. The matter came up for decision in 1735 and was decided in the negative when the House of Representatives resolved "that no person in communion with any church and dwelling without the limits of the town or precinct to which such church belongs, and by which town or precinct cannot be rated or taxed for the support of their minis-

The foregoing statements have shown how the Massachusetts system of taxation for ministerial support was applied in the formation of towns from unorganized plantations, or of new precincts from old townships. With the last transformation, that of the precinct into the full fledged town, we reach the final step and here may best study the actual application of the laws of 1692, 1693, and 1695, which were the basis of the ecclesiastical system in the provincial period. The town must be provided with an "able, learned orthodox minister" who, according to the law of 1693, must be chosen by the church with the concurrence of the town, "all the inhabitants, and ratable estates lying within" the precinct to pay proportionally for his maintenance. This maintenance was based on three things, the ministry land which every town must put aside for the church and of which each minister had the use during his ministry; the "settlement", at first an additional piece of land to be made over directly to the settled minister and to remain in his family, later commuted to a money payment;[31] and finally the salary.[32] Settlement and salary were matters which required much consideration whenever a new minister was obtained, but the law had secured its requirements by stating that if a town neglected its duty in regard to maintenance of the ministry, the court of quarter sessions, upon complaint, should impose fines

ter, hath, nor ever had nor ought to have any vote or power of acting in inviting, calling, supporting, continuing or separating from such minister, or any other affair that may affect the interest or charge of any town or precinct." *Mass. Prov. Laws,* I, 108.

[31]"Now they proceed into a *Salary,* to be offered unto the *Minister,* whom they have chosen. [To which there is usually added somewhat also, which they call, *A settlement,* in order to some Subsistence of his Family, in case he dy among them." C. Mather, *Ratio Disciplinae,* 19.

[32]In creating a township in 1717 the proviso which the General Court included in the order ran,—"provided they have there at least forty families settled there with an orthodox Minister within the space of three years, and that a Lott and other accommodations as large and convenient as may be the Place will admit of in the Judgment of said committee be laid out to the first settled Minister, Also a Lott for the Ministry and an other for the Use of the School." *Mass. Prov. Laws,* IX, 548, ch. 79.

upon and even imprison those officials who failed to carry out their duties. The law of 1695 included a ministerial council for the enforcement of the law for choosing a minister,—for the case had arisen of a town's failing to approve of a church's choice,—and the council was to act much in the capacity of arbiter. Yet, over all the General Court remained the final appeal from both county court and ecclesiastical council, and by holding the purse strings of the province treasury could exert an effective influence in carrying out her own commands.

There are several records of special permits in regard to ministry land,[33] but on the whole the General Court was called upon less often to arrange matters regarding this than either settlement or salary.

The settlement was a variable quantity, large in the first instances and in the poorer towns, where land could be more easily secured than money, and growing smaller as time went on and the salary grew more definitely fixed. In 1723 the proprietors of the Indian town of Natick asked that they might be empowered to give to Mr. Oliver Peabody, upon his settling among them in the work of the ministry, a lot, or lots, containing one hundred acres of land and meadow and to make him a commoner or proprietor in such plantation, "they being uncapable of giving any other encouragement."[34] Money settlements were later introduced, and these could be raised either by subscription or by a rate.[35]

On the whole the question of settlement was a town matter, but in arranging for the call of a minister and his salary the courts of general sessions were on the alert and the provincial assembly was ready to support them. While Malden between 1705 and 1708, just after the death of a pastor, "wth all manner of Application Endeavoured a New Settlemt of the Ministry among them, and [had] given an Invitation to Several worthy Gentlemen to Preach

[33]Suffield, 1703. *Mass. Prov. Laws,* VII, 370, ch. 11; VIII, 17, ch. 24.
[34]*Ibid.,* X, 249, ch. 264.
[35]*Ibid.,* VIII, 779.

wth them for a Taste of their Gifts in Order to a further proceedure," the town found itself under presentment for being destitute of a minister and was immediately supplied by the court of quarter sessions for Middlesex county. But as the town had just taken steps to call another man it was obliged to appeal to the General Court to approve the minister of its own choice rather than the protegé of the justices.[36] This same year saw a part of the long struggle between the town of Medford and the Middlesex justices who had interfered some time before, charging Medford with being destitute of a minister, as they did not recognize the questionable incumbent, Mr. Woodbridge. Ecclesiastical councils and many court sittings failed to settle the matter, so it finally reached the provincial assembly. The investigating committee appointed reported that they were of the opinion that "their wound is Incurable and that it is necessary that the Reverend Mr. Benja Woodbridge and the town of Medford be parted; according to the Advice of the Council of Churches there, July 10th 1705. and the Orders of Quarter Sessions of Middlesex." Upon his removal the town was ordered to pay him forty pounds and "the Nine Sabbaths Contribution now in the hands of Mr. John Whitmore." It was also directed to procure speedily and settle another minister "And this Court do Advise mr Woodbridge by no means to discourage the Coming and Settlement of another Minister among them."[37]

It was not usually these older towns of the province, where orthodox Congregationalism was strongest and the order of church government best developed, that called for interference; it was rather those outlying districts where external causes created a different type of community existence. This was the situation in the many frontier towns of Hampshire and Worcester counties, of the New

[36] *Mass. Archives,* XI, 276; *Mass. Prov. Laws,* IX, 30, ch. 74.

[37] *Mass. Prov. Laws,* VIII, 253, ch. 84, 28 Nov., 1707; IX, 19, ch. 41, 30 June, 1708; VIII, 776-793. Another famous example of the supervision of the authorities over the settlement of ministers appears in the history of Watertown in 1722. *Mass. Prov. Laws,* X, 196, ch. 99; 221, ch. 176.

Hampshire border and along the Maine coast. Yet many of these towns were planned on lines which showed an effort to conform to standing rules in ecclesiastical matters and were merely prevented by the exigencies of the situation. Very different was the atmosphere in the unorthodox towns of the old Plymouth Colony whose early history has already been described. With these two types of towns the justices of the peace and the lawmakers of the province had the closest connection in the affairs of church and state.

If a plantation or town was a recognized garrison, it was natural that the selection of a chaplain should go with the other military appointments and that the public treasury should pay him. A chaplain would then act as minister of the town about the garrison and in time of peace might continue there. Other frontier towns, which had not been made garrisons but had found themselves destitute by reason of war or the desertion of settlers, prayed the provincial assembly for financial assistance in the support of their ministers or that the court would procure and send some to them.[38]

The Maine frontier was an early and successful beggar. In 1693 the court, in answer to a petition from Samuel Wheelwright, representative of York and Wells in the assembly, appointed chaplains for the garrisons at those outposts and ordered fifty shillings a month for their pay out of the province treasury, "over and above what shall be allowed them by the inhabitants."[39] Not long after, the upper part of Kittery, later known as Berwick, encouraged by the success of York and Wells, sent in a similar appeal, and received ten pounds out of the province treasury.[40] From this time until 1712, when special

[38]The address of Governor Bellomont to the Council and Assembly in May, 1700, included this exhortation: "I recommend to your care the ministers in the remote parts of the Province who have narrow stipends." *Cal. of St. Papers, Col. Series, Am. and the W. I., 1700,* 485.

[39]*Mass. Prov. Laws,* VII, 34, ch. 10.

[40]*Ibid.,* VII, 88, ch. 43.

orders of this kind for Wells, York and Berwick ceased, something over two hundred pounds was in this way voted outright for the support of the ministry in these three towns, part of which was for the building of meeting houses.[41] Soon after Wells, York and Berwick were on their feet and no longer needing public aid, the far eastward settlement of Winter Harbor began to receive assistance. Between 1717 and 1725 more than two hundred pounds were voted for the support of the ministry at this garrison and settlement which in 1718 was made the town of Biddeford and after 1723 shared its minister with the neighboring Arundel, the "Gentleman that performs the Said Service to preach on the Lords Day alternately . . . If the Weather will permit."[42] During the last years of payments to Biddeford and Arundel, the town of Scarborough received sixty pounds on account of the low circumstances to which it had been reduced by the Indian wars,[43] while ninety pounds went to Falmouth on Casco Bay.[44]

Among the newer frontier towns, lying along the New Hampshire border and in Worcester County, Dunstable, Lancaster and Brookfield were the most favored. The year 1696 saw thirty pounds voted towards the maintenance of a minister at the garrison at Dunstable and twenty pounds were paid in the following year.[45] At the close of the war the town was loath to lose public assistance, and the inhabitants, the selectmen, the town's representative in Boston, and the minister himself sent in a constant stream of petitions to the court between 1698 and 1714 which resulted in twelve separate grants, varying from ten to twenty-six pounds, and becoming after 1709 practically

[41] *Mass. Prov. Laws,* VII, 160, ch. 28; 202, ch. 53; 304, ch. 49; 222, ch. 19; 247, ch. 22; 252, ch. 41; 304, ch. 49; 341, ch. 16; VIII, 36, ch. 77, 78; 69, ch. 14; IX, 213, ch. 120; 241, ch. 26.

[42] *Ibid.,* IX, 395, ch. 25; 537, ch. 45; 589, ch. 1; 626, ch. 98; X, 9, ch. 10; 80, ch. 3; 199, ch. 109; 303, ch. 36; 448, ch. 45; 558, ch. 368; 592, ch. 43.

[43] *Ibid.,* X, 377, ch. 275; 378, ch. 279; 462, ch. 84; 599, ch. 63.

[44] *Ibid.,* X, 172, ch. 41; 725, ch. 422.

[45] *Ibid.,* VII, 113, ch. 17; 168, ch. 49.

a regular payment of twenty pounds per annum.[46] The death of the Rev. John Whiting in the attack on Lancaster, September 11, 1697, with the subsequent difficulty which the inhabitants felt they would have in persuading anyone to settle with them, resulted in the first petition for aid sent by this town, and the response of twenty pounds from the province treasury.[47] In 1704 forty pounds were allowed for building a meeting house.[48] Brookfield, lying far to the westward on the Connecticut trail, was maintained as a garrison many years before its estate warranted township privileges and received many grants for the ministry between 1698 and 1714, the total reaching over two hundred pounds.[49]

On the western frontier the two river towns lying well to the northward and hence open to the Indian incursions which followed down the Connecticut, were for several years pensioners of the public treasury. Deerfield, as a garrison, was paid ten pounds in 1696[50] and double that sum in 1703.[51] In the year following the Deerfield massacre, when John Williams was carried into captivity, the court resolved to send a chaplain to the town to serve in his place, and voted him twenty pounds for six months' service, repeating the order in the following year.[52] With the return of Williams the grants were not suspended, and over one hundred pounds were in five years voted to defray his expenses, the individual amounts varying from ten to forty pounds.[53] Northfield, where settlement was hindered by the progress of the war, received her

[46] *Mass. Prov. Laws,* VII, 197, ch. 36; 311, ch. 68; VIII, 41, ch. 90; 126, ch. 29; 259, ch. 101; IX, 36, ch. 89; 86, ch. 90; 121, ch. 7; 146, ch. 83; 366, ch. 64.

[47] *Ibid.,* VII, 168, ch. 47.

[48] *Ibid.,* VIII, 99, ch. 96.

[49] *Ibid.,* VII, 197, ch. 37; 346, ch. 27; VIII, 34, ch. 74; 143, ch. 69; 201, ch. 100; 246, ch. 55; IX, 38, ch. 100; 252, ch. 65; 303, ch. 62; 377, ch. 96.

[50] *Ibid.,* VII, 113, ch. 16.

[51] *Ibid.,* VIII, 35, ch. 75.

[52] *Ibid.,* VIII, 84, ch. 55; 143, ch. 68.

[53] *Ibid.,* VIII, 209, ch. 126; 242, ch. 43; IX, 38, ch. 98; 148, ch. 93; 238, ch. 13; 252, ch. 63.

first instalment of public funds as late as 1718, when the sum of forty pounds was voted for the support of the minister, and an additional thirty pounds in 1724.[54] Various other grants were made in a similar manner to frontier villages and Indian settlements during the first thirty years under the province charter. Among such may be mentioned Stow, Leicester and Tisbury on Martha's Vineyard.[55]

So long as the recipient of these money payments was simply a chaplain at a garrison there was nothing unusual in this method of appointing and maintaining him, but since, even when chaplain, he was also considered the minister of the small community grouped around the fort and was often retained when the immediate necessity for a garrison had ceased, his position in relation to the church is interesting. Between 1693 and 1725 almost sixteen hundred pounds, varying in amounts from ten to fifty pounds, were in this way voted by the Massachusetts General Court to the maintenance of the ministry or the building of meeting houses in frontier communities. The direct method of appropriating money was the one most often used, but on various occasions certain indirect means were adopted. The amount of the province tax was reduced with the understanding that town rates for the support of the minister could then be assessed and collected, or the whole amount was ordered to be turned back to the constables for the use of the ministry. Occasionally some special means of taxation was allowed which would bring in more money than the normal method would have procured.[56] This was likely to bear heaviest on non-resi-

[54]*Mass. Prov. Laws,* IX, 604, ch. 38; X, 533, ch. 287. A much earlier grant was made in 1701 of fifteen pounds for the payment of a garrison chaplain who had served at Northfield in the time of Sir Edmund Andros. *Ibid.,* VII, 303, ch. 46.

[55]*Ibid.,* VII, 173, ch. 60, 17 Dec., 1697; X. 699, ch. 341, 8 Dec., 1725; VII, 293, ch. 23, 26 June, 1701; IX, 533, ch. 33, 18 June, 1717; 597, ch. 22, 18 June, 1718; VIII, 118, ch. 5, 8 June, 1705.

[56]In 1700 Wrentham secured the remitting of 20 pounds of her province rate of 1696. *Ibid.,* VII, 633. In 1703 the province treasurer was

dent proprietors.[57] In 1720 the House of Representatives excused three towns for failing to send representatives to Boston,—Needham, and Brookfield, because of the charge they were under in building meeting houses, and Manchester because it was settling a minister.[58]

This rigorous paternalism in the enforcement of ecclesiastical law was not limited, as has been observed, to the frontier communities of the province, tho it was most often exercised there. For them the General Court was merely continuing a policy adopted in the colonial period and explicable on the ground that as religious worship was deemed essential to the good morals of a town or plantation, and hence of the province as a whole, it was a pious duty to appropriate funds for the support of religious worship where poverty or meager population made an independent maintenance difficult. After 1691 a new and curious problem presented itself, the cause and nature of which have already been discussed. In dealing with the "unorthodox" communities of Barnstable and Bristol counties the Massachusetts General Court assumed a new and very different position from that which she had held in managing her frontier posts. In the enforcement of ecclesiastical law in Swansea, Freetown and Attleboro, Dartmouth, Tiverton and Little Compton, Sandwich and Falmouth she became preeminently the dictator of orthodoxy, in two of these towns using her powers to displace a religious organization which represented the almost unanimous opinion of the inhabitants.

directed to order Wells and York to pay their minister the sums of 15 and 10 pounds respectively of the province rate last levied on those towns. *Mass Prov. Laws*, VIII, 36, ch. 77, 78.

[57]In 1724 permission was given Rutland to tax her unimproved land towards the support of the ministry. *Ibid.*, X, 532, ch. 284. Similar orders were issued for Enfield, Hopkinton and Scarborough. *Ibid.*, X, 479, ch. 136; 450, ch. 51; 378, ch. 279. The taxing of non-resident proprietors had been resorted to in the colonial period. *Mass. Archives*, XI, 13-14. Worcester and Oxford came under this ruling in 1716 and 1718. *Mass. Prov. Laws*, X, 318, ch. 82.

[58]*House Journal, 1720*, 3.

In 1692, when the assembly began to put once more into legislation the old ecclesiastical system, it was facing but two groups of dissenting interests in the rural towns. Of these the Baptists had but one strongly organized body and the Quakers were limited to certain definite sections of territory. On Cape Ann, that region of the old Bay Colony where heretical opinions best flourished and Quakerism found a ready acceptance, this element never reached sufficient prominence in any town to cause the interference of the General Court. Though there was always difficulty at Salem and Lynn in collecting from the Quakers the ministerial assessments,[59] they were never in sufficient numbers to block legislation, and no towns in Essex county ever suffered presentment for lack of a minister.[60]

In the newly acquired section of territory, embracing Plymouth, Barnstable, and Bristol counties, the vicinity of Plymouth presented a similar state of affairs.[61] On Cape Cod[62] the difficulties were greater as the Quakers were here more numerous, tho not usually in the majority. At Sandwich and Falmouth they resisted the collectors for many years and were regularly distrained of their goods in accordance with the law.[63] When in 1707 the general sessions of Barnstable county discovered that these two towns were "defective with respect to the ministry," they gave orders according to the law of 1706, but enforcement was difficult. When the matter reached the General Court, this body voted twenty pounds from the province treasury for the ministry at Falmouth,[64] by this act setting a precedent for future years. The year 1713 saw the sum of forty pounds held out as an inducement to the building of a

[59] *Salem Mo. M., passim.*

[60] *Essex Sessions.*

[61] *Pembroke Mo. M., passim.*

[62] The records of the court of general sessions of the peace for the county of Barnstable are not in existence.

[63] *Sandwich Mo., M., passim.*

[64] *Mass. Archives,* XI, 256, 257.

meeting house.[65] On later occasions the General Court was forced to come to the assistance of Joseph Metcalf, the minister,[66] when he complained of the depreciation of the paper currency, of which the town refused to take account when paying his salary.[67] In 1714 and 1717 he was allowed forty pounds from the province treasury, but finally, in 1719, his case was turned over to "the Committee, that receiv'd the Charity of this Province Collected the Last Year, upon a Brief Issued by this Government for the Propagating of the Gospel."[68]

If in Barnstable county Massachusetts had a suggestion of the problems which could be created by elements unfriendly to her system, in Bristol the difficulty was many times magnified. At Swansea the enforcement of ecclesiastical law was thwarted by a firmly organized Baptist society; at Dartmouth was the most vigorous Quaker meeting of the province, always supported by the Baptists in its borders; at Tiverton was a smaller Quaker community; while Attleboro, Freetown, and Little Compton were towns of mixed type, harboring various sects and sympathizing keenly with Rhode Island in her ideas of religious liberty. In this region also a further element of resistance

[65] *Mass Prov. Laws,* IX, 292, ch. 27.

[66] Metcalf was the author of a work on "enforced maintenance" in which he argues strongly in favor of the system. The work has not survived but can be followed closely in the reply to it by the Quaker, Thomas Chalkley. Chalkley, *Answer to Metcalf.*

[67] This difficulty regarding paper money which many other ministers soon encountered became so acute by 1724 that the General Court was obliged to consider the matter. The report of a committee from this body recommended that a law be made to compel every parish to make up to its minister an amount equal to the difference, the county court to determine how much the currency had depreciated. While this report did not become law, a resolve was passed recommending it to every town and precinct, this resolve to be read in every congregation on the next Lord's day and in the parish meetings of the following March. *Mass. Prov. Laws,* X, 563, ch. 385.

[68] *Mass Prov. Laws,* IX, 673, ch. 56. The organization of this fund seems to be the cause for the cessation of grants from the public treasury to the ministry throughout the province. Freetown was voted its benefaction in the same year. *House Journal, 1719,* 1.

to the Massachusetts state church appeared in the first decade of the eighteenth century when the missionaries of the Society for the Propagation of the Gospel met some success in the Rhode Island border towns.[69] Here they left behind them a number of groups which had announced their allegiance to the Church of England. On this basis these proceeded to resist the ecclesiastical laws of the province but seldom united in this purpose with the Baptist and Quaker societies.

The first attack made by the court of general sessions of Bristol county in accordance with the laws of 1692 and 1693 was upon Swansea, whose only meeting was the Baptist church now thirty years old. To enforce upon it the Congregational ministry and public taxation for its support was to upset the whole system. When presented for not having a minister according to law, Swansea in town meeting proceeded to approve the Baptist preacher as her minister.[70] The law had not made it plain how the justices were to proceed in such a case, and the matter was dropped for the time being.

In 1698 Bristol sessions began to deal vigorously with all the defective towns within its jurisdiction, and continued its efforts for a period of thirty years. But so clearly defined was the type of community which it had to master and so determined was the opposition to its authority, that the attempt resulted only in a series of compromises, many of which foreshadowed the coming exemption laws. In all these years it was never possible to enforce the law in this section of Massachusetts.

[69]"As to the Case of ye Church of Tivertone Swanzey ffreeton and little Compton in ye whole of these I believe there may be betwixt 2 or 300 people that are Church people & are resolved never to have any other Minister but a Church Minister unless the Government of ye Collony of Massachusetts under whose Government they are) force and independant upon them, wch they have done in ffreetown already, & will in the rest if their is not a Missionary Sent to take possession of that Church built in Tivertone." Stewart to Nicholson, 12 Feb. 1719/20, *S. P. G. Letters,* A XIV, 162.

[70]Bicknell, *Barrington,* 133, 179, 201.

In 1698 failure to procure a minister was reported by the grand inquest for Swansea, Dartmouth, Tiverton, Freetown and Attleboro, while most of this group with Rehoboth and Little Compton lacked school masters.[71] The selectmen of these towns summoned to Bristol had various reports to submit. Swansea, as previously stated, sent word that she was provided, but the statement was for a time not accepted, and she was ordered to procure a minister immediately.[72] By April of 1699, however, the justices had been informed of the exact situation in Swansea and agreed not to interfere with the ministry of Samuel Luther.[73] As a matter of fact the Baptist church of Swansea, by standing for principles so liberal that it was able to include the Congregationalists in the region, long saved the town from an effective attack by the general sessions. Not until it was remolded upon a more extreme Baptist form did the Congregationalists of Swansea become dissatisfied. The result of this dissatisfaction was a petition to the general sessions in 1707 asking the assistance of the justices in procuring an orthodox minister. The selectmen of Swansea who were summoned at this time reminded the general sessions of the long continued recognition by that body of their minister, and after postponement and much discussion a compromise was agreed upon.[74] While it was decided that orthodoxy must be introduced into Swansea and a sum assessed upon the town for the support of the ministry, it was agreed that the work of Luther ought to be recognized. Accordingly it was voted that half of the yearly assessment should be settled on him, the rest to go to the minister of the standing order.[75] But no very satisfactory arrangement was discoverd[76] until

[71] *Bristol Sessions*, I, 13.

[72] *Ibid.*, I, 15.

[73] *Ibid.*, I, 17, 19.

[74] *Ibid.*, I, 121, 129; Bicknell, *Barrington*, 139-141.

[75] *Bristol Sessions*, I, 133.

[76] The result of the negotiations was the coming of John Fisk to Swansea in the office of Congregational minister, but so bitter was the feeling between the two sects in the town that trouble continued. One of

the town was divided, the Congregationalists forming the new parish.[77] After the death of Luther there was a momentary difficulty as Swansea's dispensation had related to him only. The matter was settled by a vote of the general sessions in 1719 to accept his successor as minister of the town, and the selectmen, who had been summoned to state the case, were dismissed.[78]

The affairs of Dartmouth and Tiverton during this same period represent the methods employed by the government in handling well defined Quaker communities. In Dartmouth the people were almost universally Quaker, the Congregational and Baptist societies being very small; in Tiverton, while the majority supported Quaker teaching, there were among the inhabitants many who shared the general characteristics of the eastern border of the bay. With their freedom in theological opinion which often kept them from allying themselves with any sect, there was a certain volatility in their make-up which occasionally carried them into some religious body and out again in a brief time. The S. P. G. in dealing with them met constant disappointment for it was long in learning that a crowded service here meant little real allegiance. These people were no less trying to the Quakers than to the Anglican and Congregational churches.

The general sessions of October, 1698, which had attacked Swansea, took up the cases of both Dartmouth and

the means taken by the Baptist selectmen to rid the town of Fisk was to issue a warrant to the constable "Requiring him in her Majties Name to warn John Fisk to depart the Town in fourteen days time &c." *C. O. 5, 865.* The constable, knowing that Fisk belonged in none of the classes of undesirable persons included under the law of ejectment, appealed to the quarter sessions for advice. The latter discharged him from the duty of serving the warrant, summoned the selectmen and admonished them for this "Illegal & unpresidential" conduct. *Bristol Sessions,* II, 150, 151, 155; Dudley to the Board of Trade, 1 Mar., 1708/9, *C. O. 5, 913,* 114, 115; "Memorial of the ministers in Bristol County to the General Assembly," Oct. 1711, *Mass. Archives,* XI, 385.

[77] *Mass. Prov. Laws,* IX, 180, ch. 22; 201, ch. 78; 249, ch. 50; 548, ch. 78; 563, ch. 114.

[78] *Bristol Sessions,* III A, 59, 61; Backus, *Baptists,* I, 499.

Tiverton. Dartmouth, like Swansea, stated that she was provided with ministers already, naming two Quaker preachers of the town. Neither this nor Tiverton's answer was accepted, and both towns were ordered to supply themselves before the winter sessions.[79]

For some time the relation between the court of general sessions and the towns of Dartmouth and Tiverton was little changed. Over and over they suffered presentment and repeatedly sent answer that they were properly supplied in the persons of the Quakers whom they named, basing their argument on the fact that nowhere in the law was it stated what was meant by orthodox.[80]

This state of affairs continued until the autumn of 1703.[81] Bristol court then became exasperated and took a step which was significant. Relying upon the right which a recent law (1702) had given her to appoint special assessors, the court of general sessions decided to enforce the law of 1692 which gave her the power of appointing ministers to negligent towns. It was agreed that eighty pounds per annum be levied on Dartmouth and fifty on Tiverton for the support of ministers whom she should appoint. Not knowing suitable persons for these missions the court ordered that a letter be written to the president and fellows of Harvard College and Mr. William Brattle of Cambridge for their advice.[82]

Tho going so far as to take these measures the justices now allowed the matter to slide[83] until April of 1706 when they renewed their application to authority, includ-

[79] *Bristol Sessions*, I, 15.

[80] *Ibid.*, I, 17, 19, 21. In January 1702 the selectmen of Tiverton presented to Bristol sessions a paper pleading for "a Liberty of Conscience in the Exercise of Religion as a Priviledge granted by their Majestyes Charter and Recipting Several Passages out of the Province laws. Referring to the Priviledges of Churches in the Quallifications choise and Settlement of ministers." *Ibid.*, I, 38.

[81] *Ibid.*, II, 20, 23, 47.

[82] *Ibid.*, II, 47.

[83] *Ibid.*, II, 93.

ing now the Boston ministers.[84] Their next meeting dispatched two of its members to Dartmouth and Tiverton to enquire for a place with some family where a minister might be entertained,[85] and upon receiving a most pessimistic report once more agreed to state the situation in Boston.[86]

The episode was at least making an impression on the ministerial circle in the capital town tho progress with effective measures was slow.[87] Once more it was hoped that results might be gained by further legislation, and the act of November, 1706, now passed, went much further than any previous laws had done. The failure of Bristol sessions in dealing with her troublesome towns was to be obviated by bringing the General Court itself into the situation. After making the necessary orders on a delinquent town and failing with results, the court of general sessions was now ordered to make report of its proceedings at the next session of the General Court, and the latter was not only to supply a minister to such town but was also to provide for his support by a sum added to the town's province tax. By concealing this amount within the country rate the General Court expected to gain its purpose in towns which had never failed to remit their assessments. Bristol sessions in the following year gave Dartmouth and Tiverton one more chance, but when they still neglected her orders,[88] immediately agreed to carry the matter to the General Court.[89]

A complete report of the contest between Bristol

[84] *Bristol Sessions,* II, 98; *Mass. Archives,* XI, 231; Potter, *First Cong. Soc. of New Bedford,* 101.

[85] *Bristol Sessions,* II, 104.

[86] *Ibid.,* II, 107.

[87] Increase Mather, in his *Maintenance Due to those That Preach the Gospel,* Boston, 1706, p. 57, writes,—"It is a doleful thing, that there should be Towns in *New-England,* able to Support the Preaching of the Gospel, and yet not one man found therein willing to give Entertainment to a Minister of Christ."

[88] *Bristol Sessions,* II, 113.

[89] *Ibid.,* II, 116; *Mass. Archives,* XI, 231; Potter, *First Cong. Soc. of New Bedford,* App. A, 102.

sessions and the towns of Dartmouth and Tiverton, with an elaborate petition, was now submitted to the assembly. An appeal was made by the latter to the fellows of the college,[90] and before another year had gone by a minister had been sent to each town, Joseph Marsh[91] to Tiverton and Samuel Hunt[92] to Dartmouth.[93] Their regular appointments were made in the court session of the following summer when their salaries were voted with the understanding that the sums were to be added to the province rates of the towns.[94] The opposition raised by Dartmouth and Tiverton upon their discovery of what had occurred was one of the first and most important steps taken by the New England Quakers in their struggle against the Massachusetts ecclesiastical laws. In spite of petitions from a Dartmouth town meeting[95] and the Dartmouth Monthly Meeting of the Friends[96] the matter was pushed forward by the authorities. Within a short time both towns were in arrears of taxes and their assessors in gaol at Bristol.[97]

Succeeding events in both Dartmouth and Tiverton show how the General Court was forced to compromise in spite of her legislation of 1706. Samuel Hunt whom the court had sent to Dartmouth proved to be a man of unusual breadth in his relation to the town. He refused to have

[90]Potter, *First Cong. Soc. of New Bedford,* App. A, 100; *Mass. Archives,* XI, 230-231,contains the original papers.

[91]*Mass Archives,* XI, 320.

[92]*Old Dartmouth Hist. Soc. Colls.,* No. 3, p. 9.

[93]Potter, *First Cong. Soc. of New Bedford,* 17, note. Bristol sessions, tho now relieved of responsibility, continued to interest itself in the delinquent towns. It was Tiverton which reminded the court "that the Case Reffering to a mister was laid before the great and generall Court and therefore thought it hard measure to be presented & sent for from Court to Court." The general sessions saw the justice of this plea and decided that the "prsons & Case by dismist till the mind of the sd great and generall Assembly be ffurther known." The same was decided in the case of Dartmouth. *Bristol Sessions,* II, 128.

[94]*Mass. Prov. Laws,* IX, 9, ch. 8; II, 269; IX, 17, ch. 36.

[95]Potter, *First Cong Soc. of New Bedford,* App. A, 104.

[96]*Dartmouth Mo. M.,* 43.

[97]*Mass. Prov. Laws,* IX, 47, ch. 124; *Dartmouth Mo. M.*, 46-48.

the laws enforced on Dartmouth for his advantage, maintaining constantly that he was a missionary and as such should be regularly paid by the province.[98] For this reason the difficulties so serious in 1708 subsided in subsequent years.

The General Court complied with his request and, beginning with a grant of fifteen pounds to finish the meeting house in Dartmouth,[99] voted him various payments of fifteen or twenty pounds between 1709 and 1716.[100] A large grant of one hundred pounds made in 1722 upon a petition from the orthodox inhabitants for an annual salary for Hunt, and added by the General Court to the province rate of the town upset this arrangement and became the occasion of a long and obstinate battle.

The chief difference between these events in Dartmouth and the corresponding occurrences in Tiverton was that the General Court, in spite of repeated efforts, was never able to keep a Congregational minister long in the latter town. In 1710 twenty-one pounds were voted from the province treasury for the brief services of two men whom the General Court had sent to Tiverton,[101] but upon an appeal from the orthodox inhabitants for a further appointment,[102] the assembly merely ordered the ministers of the neighboring towns to preach at Tiverton during the summer at twenty shillings a Sunday, paid from the public treasury.[103] When in October the order was repeated, an earnest expostulation came from Samuel Danforth, minister at Taunton, who foresaw the difficulties of traveling to Tiverton in the winter and urged the appointment of a resident minister on the ground that a

[98]Potter, *First Cong. Soc. of New Bedford,* 20, 25, App. A, 110; *Mass. Prov. Laws,* IX, 42, ch. 112.

[99]*Mass. Archives,* XI, 293.

[100]*Mass. Prov. Laws,* IX, 109, ch. 162; 114, ch. 175; 224, ch. 153; 434, ch. 123; 492, ch. 95; X, 177, ch. 56; II, 269; Potter, *First Cong. Soc. of New Bedford,* App. A, 106-107.

[101]*Mass. Archives,* XI, 320; *Mass. Prov. Laws,* IX, ch. 168.

[102]*Mass. Archives,* XI, 293.

[103]*Mass. Prov. Laws,* IX, 70, ch. 42; II, 269.

meeting house was already partly built.[104] Thereupon a man was secured at twenty shillings a week,[105] but his congregation was meager and his stay brief.[106] In 1712 the General Court ordered twenty-five pounds for the ministry at Tiverton or "in proportion for such part of the year as they are supplied with a learned, orthodox Minister,"[107] but the inducement accomplished little. The following years saw only fruitless attempts by the general sessions and the assembly to carry out the law, for cajolery, threats and further ecclesiastical legislation proved of no avail.[108] While it was as early as 1717 that the General Court voted seventy pounds from the public treasury for the support of a minister[109] whom the general sessions had recently voted to secure,[110] it was not until 1722 that this sum was actually added, as in the case of Dartmouth, to the town's country rate. The resistance made by the Quakers in behalf of the assessors of the two towns, imprisoned for failure to assess these sums, won an Order in Council on their behalf and was the indirect cause of the first local exemption legislation.

[104]*Mass. Archives,* XI, 304. Danforth made another plea for Tiverton in the memorial presented by the ministers of Bristol county to the general assembly in 1711. *Mass. Archives,* XI, 385.

[105]*Mass. Prov. Laws,* IX, 131, ch. 42; 166, ch. 141.

[106]Perry, *Ch. Docs., Mass.*, 95.

[107]*Mass. Prov. Laws,* IX, 249, ch. 54.

[108]*Bristol Sessions,* II, 203; III A, 4, 7, 10; III B, 9, 302, 311; *Mass. Prov. Laws,* X, 177, ch. 57. In 1724 the Bristol court was wearily agreeing to ask the general assembly if it might not accept the Quaker, Joseph Wanton of Tiverton, as the minister of the town. *Bristol Sessions,* III B, 9.

[109]*Mass. Prov. Laws,* IX, 572, ch. 140. The representatives of the S. P. G. felt great resentment at such proceedings. "They are endeavouring from Boston to Introduce an Independent Minister to Tiverton. I should have been very glad they had been prevented by a Missionary from England and I hope it is not yet too late." Honeyman to the Secretary, 15 May, 1718, *S. P. G. Letters,* B XIII, 503-504. The inefficacy of these attempts is expressed in an exaggerated statement in another of Honeyman's letters. "In Litle Compton there is an Independent Teacher, and now and then one in Freetown, but in Tivertown never Any." Honeyman to the Secretary, 7 Sept., 1727. *S. P. G. Papers,* B I, No. 222.

[110]*Bristol Sessions,* III A, 33.

In Swansea and Dartmouth the court of general sessions of Bristol county and the Massachusetts General Court were meeting the opposition of well defined religious bodies fighting for a principle; in Tiverton the same was true in less degree. In the towns of Attleboro, Little Compton and Freetown, which Bristol sessions included in her attack of October 1698, the justices found themselves baffled by a lack of religious enthusiasm united with an ardent spirit of independence rather than any strong heterodox opinions. In the course of events the Massachusetts authorities learned that if they took these unusual conditions into consideration and modified their regular system more could be done in such a place than in a strongly anti-Congregational community. The settlement of the ministry in these towns was an economic and social rather than a religious question.

The unwillingness of the inhabitants of Freetown to be interfered with in a matter where pocketbooks were involved is suggested in their answer to Bristol court's warning in 1698. The "Poverty & inability" of the town were the alleged causes for their failure to comply with the law; and in the following year "their poor low & scattered Condition was one Reason (notwithstanding their Endeavors for divers years past) why they Could not obtaine a minister."[111]

For the next few years Freetown gave sufficient evidence of attempts to settle a minister to avoid presentment and in 1704 did secure William Way to serve as minister and schoolmaster;[112] but various facts indicate that he was not "learned and orthodox." He agreed to accept from his parish a voluntary contribution rather than a public maintenance and failed to receive the necessary approbation of Samuel Danforth of Taunton.[113] In the meantime the preaching of the first missionaries of the S. P. G. had made an impression in Freetown. Of two important things the

[111] *Bristol Sessions*, I, 15, 18.
[112] Fowler, *Fall River*, 39.
[113] *Bristol Sessions*, II, 113.

people were convinced: that a member of the Church of England could not be taxed by any other ecclesiastical body and that a missionary sent to them from England would have to be recognized by the standing order. Moreover he would need no great financial support,—at least no regular legal assessment,—since he would have a salary from the Venerable Society. The majority of the townsmen accordingly were induced to declare for the Church of England, a town vote to this effect was passed and a letter written to Samuel Myles of King's Chapel, Boston, urging him to forward their declaration to the Bishop of London. In the following months Freetown turned aside various warnings from the county court on the ground that she was waiting to hear from England.[114] In the meantime matters were not pushed by the general sessions as the justices had come to the conclusion that orthodoxy could never be forced upon Freetown without some assistance from the public treasury.[115]

That such a recommendation was to be made to the General Court may have reached the ears of a minority in Freetown who were led by the Congregationalists. Perhaps aware of the money grants which Dartmouth and Tiverton had already received, this group petitioned the General Court in 1709,[116] and were supported in their appeal by Samuel Danforth of Taunton.[117] The wording of Danforth's communication indicates that he recognized

[114] *Bristol Sessions,* II, 131, 136, 140, 141.

[115] *Ibid.,* II, 141.

[116] *Mass. Archives,* XI, 291. The names of the more important freeholders of Freetown are absent from the list of signers of this petition.

[117] "Some of them," Danforth wrote, "give Encouragem't that if they could have twenty pounds allowed to a Preacher among them for two or three yeer, they should & would Rayse among themselves so much more as would be Competent to subsist a minister there & severall who decline to sign the Petition out of a little humor, Yett promise they will do theyr parts Equivalent in proportion to any of the Petitioners for subsisting a minister whensoever this Court shall send one among them: I do humbly pray that this Court would make a tryall of their Ingenuity by allowing twenty pounds for one yeer to such a minister whom this Court shall appoint for them." *Mass. Archives,* XI, 304.

conditions in Freetown were so peculiar that some special dispensation might have to be granted if a Congregational minister was to be settled in the place. The support of those withholding their names from Freetown's petition might be gained by yielding "forced maintenance" and allowing the town to pay the minister by voluntary contributions as it had done in the case of William Way.

This suggestion was accepted and proved successful. Joseph Avery who was sent to Freetown received in addition to the province grants[118] only the voluntary pledges of his hearers, and on this basis was able to win the support of many of the townsmen.[119] After his departure the town lapsed once more into dissension[120] which was only increased by the advent in 1715 of Thomas Craghead who was sent by the General Court.[121] Of an impetuous and domineering character he was unwilling to let matters rest as they had in Avery's time, but went in January, 1718, and procured an act of Bristol court to compel Freetown to pay him a salary of sixty-five pounds a year, beginning on the day that he was chosen minister.[122] The older

[118]In addition to the twenty pounds allotted in 1709 the General Court voted at the end of a year a sum "after the rate of twenty pounds per annum to Mr. Joseph Avery, for each Sabbath, he hath or shall preach at Freetown." *Mass. Prov. Laws,* IX, 166, ch. 142; 195, ch. 63; 249, ch. 53; 299, ch. 52; 361, ch. 44; 409, ch. 67; 502, ch. 124; 561, ch. 107.

[119]*Mass. Archives,* XI, 369.

[120]*Bristol Sessions,* II, 214, 219, 220; III B, 43 (insert), 37 (insert), 43, 63, 64.

"The Conditions of several Churches, calls for my most exquisite Care, to gett them delivered out of their Temptation.

Moreover I must gett that Matter well settled, the ordaining of Ministers whom we send unto places destitute of the Gospel; and empowering of them to act as Ministers. *Freetown* particularly should be accommodated in this matter." *7 Mass. Hist. Colls.,* VIII, 232, Cotton Mather's Diary, 23 Aug., 1713.

[121]Stewart to Nicholson, 12 Feb., 1719/20, *S. P. G. Letters,* A XIV, 162.

[122]Backus, *Baptists,* I, 500. Neal observed (*New England,* II, 250-251) of the Massachusetts customs that "in the Countries, the Minister contracts with his People for a certain Stipend, which is usually but small, and very indifferently paid. The Minister indeed has his Remedy at Law against Defaulters, but if he should sue any of his Parishioners, he must bid adieu to his Preaching at that Place."

method of handling Freetown with leniency was now abandoned and later events show with what little success.

The money demanded by Craghead was assessed in 1717, 1718, and 1719, tho the constables failed to collect it. They were then imprisoned, and not released in spite of appeals to both Bristol court and the general assembly.[123] In March, 1720, Craghead, determined to gain some part of his salary still in arrears, applied to the General Court for certain sums against the three constables. This application resulted in a court order to the justices of the general sessions of the peace for the county of Bristol to grant out warrants of distress to the sheriff to distrain the goods or estates of these defective collectors.[124] Altho Craghead soon severed his connection with Freetown, his attempt to gain his unpaid salary extended into the summer of 1723. While his efforts were never crowned with success he was backed constantly by the justices of Bristol county and by the general assembly of the province.[125]

The chief result of the later policy of the government in dealing with Freetown was the alliance of many of the opponents of "forced maintenance" with the Quakers or with neighboring Baptists both of whom stood for their primary principle,—the separation of church and state. In 1729, 1730, 1732, and 1733 Freetown was presented for lack of a minister,[126] and when in 1747 a Congregational preacher was actually settled in the place, it was with the express understanding between himself and the people that he should not "directly nor indirectly take advantage of ye Laws of this Province to get a salary settled on me in ye town of Freetown, but look for and expect my support by the free will offering of ye People."[127]

The conditions in Little Compton slightly resembled those in Freetown; for altho there was an orthodox society there at an early date, it was long unable to maintain

[123] *Bristol Sessions*, III B, 64, 65; *House Journal, 1719*, 12, 13, 18, 23, 24.
[124] *Mass. Prov. Laws*, X, 70, ch. 156.
[125] *Ibid.*, X, 291, ch. 12; 305, ch. 42; 330, ch. 119.
[126] *Bristol Sessions*, III B, 122, 129, 132, 198, 212.
[127] Fowler, *Fall River*, 43; Hurd, *Bristol County*, 297.

itself without careful supervision by the general sessions. In 1699, in response to an appeal from this church, the court gave the town a legal order for raising forty pounds to be paid to the minister. When the selectmen failed to assess this sum they were fined forty shillings each.[128] The same occurred with their successors in 1700 and again in 1701.[129] It was this situation at Little Compton which was chiefly responsible for the legislation of 1702, giving the county court the right of appointing a special board of assessors if the town officers neglected their duty. In the case of Little Compton this measure was resorted to;[130] but progress was now blocked by the constables who failed to collect the sums assessed.[131] A compromise was finally reached which lasted until the time of the exemption legislation.[132]

The difficulties which Attleboro encountered in ecclesiastical affairs were due to two causes, her semi-frontier location and her close relation to the most unorthodox settlements of New England. From 1698 to 1708 her affairs often figured in the business of Bristol sessions. At first the excuse given was her "low, smale & Divided Condition." Later she reported repeatedly that she was taking steps to provide herself with a minister as ordered, but found it difficult to attract anyone on account of her poverty and small extent.[133] Final success came after an appeal to the General Court, for the latter responded to Attleboro's petition by reannexing to her authority some

[128]*Bristol Sessions,* I, 19, 21.

[129]*Ibid.,* I, 25, 27, 36; II, 4, 14.

[130]*Ibid.,* II, 25.

[131]*Ibid.,* II, 28. At this point the constables were sued by the treasurers. *C. O. 5, 864.*

[132]*Bristol Sessions,* II, 90. One influence brought to bear upon the settlement of a minister at Little Compton was the Society for the Propagation of Religion, patterned upon the similar societies in England. Edward Bromfield to the Secretary, 24 Feb., 1707. *S. P. G. Letters* A III, 178.

[133]*Bristol Sessions,* I, 15, 17; II, 93, 113, 116.

fourteen families which had previously been transferred to another town.[134]

The main structure of the church-state system of Massachusetts in the early eighteenth century can be traced in the provincial ecclesiastical laws, but only by a study of their enforcement can one obtain a clear idea of church life in the individual town and hence of the actual working of the church-state system. In the above study two facts present themselves. One of these is the tendency on the part of the General Court to assume responsibility in ecclesiastical affairs; the second, the increasing strength of hostile elements. The appearance of the two side by side suggests that the former was after all a technical rather than a real increase in power; but so long as it lasted it was an important part of the Massachusetts church-state system. In relation to the various towns and precincts, existing as ecclesiastical units, the authority of the General Court was greater than appeared on the face of any act. By law a minister was chosen by his church with the approval of the town, and bargained with the latter for his salary. But the General Court took a conspicuous place in the appointment and removal of ministers as well as in naming a choice when two were offering claims. It was often called upon to settle disputes regarding the method of paying his salary and the disposition of the ministry lands when new precincts were formed. The appeals came from the towns or precincts concerned, from ecclesiastical councils, or from county courts. For the towns the General Court decided whether circumstances warranted the formation of a new precinct, and if so, what arrangements should be made. The proper location of the meeting house was always an important matter as this building formed the civic center of the community. From church councils came to Boston various ecclesiastical matters, principally relating to the choice of ministers. From the county courts came the problem of dealing with delinquent towns and town officials. The assembly might sanc-

[134]Daggett, *Attleborough*, 226 and note.

tion or reverse council or county court orders. Finally the Great and General Court, by holding the purse strings of the province, was able in great measure to enforce her own commands. In the frontier towns the settlement of the ministry was so largely an economic matter that a vote of money from the public treasury was all that was required; while a money grant was the first means taken to establish orthodoxy in towns actively hostile to the Congregational system.

Only when such measures were utterly ineffective because of organized opposition did the General Court begin a policy of increasing her own authority by direct legislation. Assuming certain functions which had at first belonged only to the towns themselves and had been later placed in the hands of the general sessions, the court took upon itself the duty of procuring a minister for a negligent town and of paying his salary, the money apparently to come from the public treasury but being actually added to the town's province rate. While on the way toward this policy of coercion the assembly found itself obliged on more than one occasion to alter its scheme of ecclesiastical control in places where the opposition formed a majority of the inhabitants. Hence in several towns of Massachusetts the early years of the eighteenth century saw the voluntary system in use for the support of the ministry, and in one of these towns a Baptist preacher was accepted as the minister of the place. The assumption of greater powers on the part of the General Court with its evidence of a determination to get results forced the outside elements to become aggressive. The ecclesiastical legislation was running by the side of, but in a losing race with, the growing independence of the dissenters. We shall next see the means whereby the opposing forces accomplished their ends, carrying the struggle beyond the limits of Massachusetts and involving various interests across the seas. The contest at this point becomes therefore a part of a larger movement, touching English politics and British colonial policy.

CHAPTER V.

The Quakers and Their Allies.

The assault upon the ecclesiastical system of eighteenth century Massachusetts was made by three religious bodies,—the Baptists, the Society of Friends, and the Church of England. In the opposition which was raised the Anglican Church stood aloof from the others, showing little desire to fraternize with the sects which were still more or less despised in England, and basing most of its arguments on the fact of its own superiority as the established church in the mother country. The Baptists and Quakers very early joined forces on the common ground of disapproval of church establishment of any sort or any legal recognition of one sect over another. During the latter half of the century the Baptists were the stronger of these two groups and the leaders; before 1740 the Quakers held this position. The exchange in influence was merely the accompaniment of the exchange in numerical strength which the two bodies experienced in the second quarter of the eighteenth century. In their decline the New England Quakers were merely suffering the fate which early came to the whole society in both the old and the new world. In their growth the Baptists of New England gained something at the expense of the Quakers but far more at the expense of the Congregationalists themselves, for a large number of the strict, "separate" churches which dated from the Great Awakening became Baptist. It has never been fully appreciated that in the years before 1740 the Quakers were doing as large a work as the Baptists carried on after that date. Such would not be the case if the Quakers had produced an historian. It is true that at one time Moses Brown of Providence, contemporary and friend of Isaac Backus,[1] was contemplating a history of

[1]Isaac Backus, *The History of New England with special reference to the denomination of Christians called Baptists,* 3 vols., 1777-1796.

New England Quakerism, but he never went farther than to collect some material.[2] The situation was not to be changed by the typical New England historians of the nineteenth century. Interested primarily in those elements in the community which were represented in the General Court they underestimated the influence of other forces.[3]

The Quakers of the eighteenth century had passed beyond the period of active persecution and now enjoyed both in England and in the colonies a power quite out of proportion to their numerical strength. This influence was due to their organization in a great body, strong and

[2]Among the *Moses Brown Papers* (XVIII, 55), is a paper entitled "Materials toward the History of Friends in New England." It contains a series of excerpts from the records of the New England Yearly Meeting relating to the first settling by the Yearly Meeting of the various quarterly and monthly meetings. Moses Brown also spent some time in 1782 gathering material relating to the proceedings in England in 1723-1724 when the affair of the imprisoned assessors of Dartmouth and Tiverton was before the Board of Trade and the Privy Council. *Moses Brown Papers,* portfolio entitled "Papers regarding imprisonment of Quakers."

[3]Comments on the Massachusetts Quakers of the early eighteenth century are relegated by Palfrey to a footnote in connection with other events of 1724. "From this time," Palfrey concludes, "Quakerism in Massachusetts was unmolested and insignificant." *New England,* IV, 449, note.

In recent years some good local work has been done, among which should be mentioned William J. Potter, *The first congregational society in New Bedford, Mass: its history as illustrative of ecclesiastical evolution,* New Bedford, 1889, which prints many documents; also Edward T. Tucker's contributions to the history of the Friends in the vicinity of Dartmouth. Leonard B. Ellis, *History of New Bedford and its vicinity, 1602-1892,* Syracuse, 1892, discusses in Chapter 2 the Quakers of the whole region, while Chapter 27 gives an abstract of Potter and an article by Tucker on the Friends' Society. More general accounts of Massachusetts Quakers appear in Henry W. Foote, *Annals of King's Chapel,* Boston, 1882, and Abner C. Goodell, "Notes on Quakers," in *Pubs. of the Col. Soc. of Mass.,* Vol. I, *Transactions, 1895,* 140. These are brief and are concerned merely with the Quaker in his relation to the state church. A broader treatment may be found in Rufus M. Jones, *The Quakers in the American Colonies, London,* 1911.

centralized, still warm with religious enthusiasm, and including among its members many influential men. The weekly, monthly and quarterly meetings of New England, centering in the great yearly meeting at Rhode Island, were only the repetition of the same organization in the Quaker colonies and in England. Communication between the various yearly meetings was constant and the London Yearly Meeting took a supervising interest in all.[4] The "Meeting for Sufferings" which was organized in London received the complaints not only of all the smaller meetings in England, but from Quakerism wherever it had been established.

The method used by the English Quakers of recording their sufferings with the purpose of carrying them before local meetings and thence to London was a well recognized custom in New England several years before the date of the province charter. In Massachusetts these sufferings were of three kinds:—fines and distraint or imprisonment for (1) refusal to train with the militia or go with a military expedition; (2) refusal to take any oath of office or for service on a jury; (3) refusal to pay the rate for the Congregational minister or to assess or collect such a rate in the office of selectman, assessor, or constable. With the last mentioned we are chiefly concerned, as it alone affected the individual churches in their relation to the civil government.

As early as 1677 the Salem Monthly Meeting proposed that "Care might be taken in ye buseness relating to friends Sufferings" which were to "be recorded, and Coppies

[4]The annual interchange of letters between London and Newport early became a feature of the New England Yearly Meeting. Among the men appointed to the work of transcribing and signing the "epistle to London" were the most prominent members of the society. They were regularly asked to give an account of "truth" among the New England Friends and receive whatever returns came from across the water. The letter when written was read in the whole meeting for approval and ordered sent with an account of "sufferings" enclosed. *N. E. Yr. M., passim.*

thereof sent to Rodisland."[5] The recommendation had probably come from the Yearly Meeting which has no extant records for so early a period. In 1683 the Yearly Meeting desired

that due Care be taken by friends in their respective meetings to record all their Sufferings, and by whome they Suffered, the time when, the manner how, and the Cause why they Suffered, and to bring them to the next Yearly meeting att Rodisland.[6]

The method here recommended for recording sufferings was the one adopted by the monthly meetings throughout New England, they communicating it to their weekly meetings. Tho an occasional reminder proved necessary,[7] the yearly reports were duly carried to Rhode Island and thence dispatched with the yearly epistle to the London Friends.[8]

The next step was taken in 1692 when the Yearly Meeting arranged for a special gathering on certain days, early in the morning, before the time for the public meeting for worship, at which representatives from the several meetings were to bring in their accounts of sufferings "if Aney Bee."[9] At these little special "meetings for sufferings" it became customary to call the roll by monthly meetings at which time the reports were given and recorded.[10]

In 1701 the Yearly Meeting drew up a list of "Some Queries to Bee made at Quarterly and monthly meetings," covering all phases of Quaker life and doctrine, for the purpose of bringing the weaker communities into line.

[5] *Salem Mo. M.*, 2.

[6] *Ibid.*, 2.

[7] *R. I. Mo. M.*, I, 89; *Salem Quart. M.*, I, 19; *N. E. Yr. M.*, 98, 111, 123.

[8] The first item of this nature entered in the records of the Yearly Meeting is as follows:—"At a generall yearly mans meeting at Rhod island At ye house of William Codington the 14 day of ye 4 month *1686* . . . It is . . . agreed yt ffriends in their seaverall Respective monthly meeting Boock Record their sufferings & bring them in to this meeting yearly to be Recorded here and sent for Ingland." *N. E. Yr. M.*, 3.

[9] *N. E. Yr. M.*, 5-6.

[10] See for example the report of the Yearly Meeting for 1701. *N. E. Yr. M.*, 15.

Among these were three relating to sufferings:—

9 Are friends Cearfull to Bring in thear Sufferings for Truths Testamoney, yt theye may Bee Recorded.

10 Wheather ffriends doe Keepe up Truths Testamoney; agaynst Bearing of armes & Trayning; & Things of that nature—

11. How doe are ffriends Keep Theare testamoney to ye Truth in Refusing to paye to ye maintainance of ye heyerling minestry.[11]

Five years later, feeling that the collecting and recording of sufferings might well have more attention, the Yearly Meeting appointed a committee of two or three prominent men for each of the four quarterly meetings in existence at that time, to handle the matter and bring in exact accounts.

ffriends are Desird, [ran the resolution,] to take Ceare in Bringing in theare Sufferings to Each Quarterly meeting & take notis of ye Daye of ye month & the yeare, and also ye name of ye person that grants fforth the Warant and the names of ye persons that takes awaye theare goods and the use ffor what it is taken wheather Priest or others with the name of ye place wheare the ffriends Liveth and all ye persons above named and the some Demanded & ye vallew of what is taken.[12]

This increasing solicitude of the Yearly Meeting was shown also in the purchase of a book for the recording of sufferings and the appointment of an official recorder.[13]

While the Quakers insisted strongly upon resistance to the payment of taxes in certain cases, they were, on the whole, law-abiding citizens, the various meetings using their influence to accomplish this result. The Rhode Island Quarterly Meeting was in 1705 much distressed by complaint that certain Friends "Eastward" refused to pay any public taxes to the government on the ground that a great part of the money was used for war. A paper was drawn up on the subject and travelling Friends were asked to urge Hampton and Dover people to pay the rates.[14]

Resistance to taxation for an established church was one of the first rules of the Quaker body. Recording of

[11] *N. E. Yr. M.*, 19; *R. I. Mo. M.*, I, 184; *R. I. Quart. M.*, 46, 47.

[12] *N. E. Yr. M.*, 31-32.

[13] *Ibid.*, 33.

[14] *R. I. Quart. M.*, 38, 39. Another case appears in *Dartmouth Mo. M.*, 47, 48.

sufferings was very early an important duty of the individual Friend. The first record we have of a deliberate decision on the part of a New England meeting to raise the question of the legal right of the government to exact ministerial taxes, belongs to the Monthly Meeting held at Lynn on January 10, 1697/98. At this time a letter was written to London describing the sufferings of the Quakers in that region,—more intense than in the southern county of Bristol, because the Quaker element was here more completely overpowered by the standing order,—and inquiring "Whether the Presbiterian Clergye have power to sue for Tythes." The London Meeting for Sufferings which took up this case agreed that the correspondents for New England should investigate the matter, to discover whether any laws which might be made in New England could empower the "presbiterians to sue for Tythes and cast people into prison."[15] Application was immediately made in the form of queries to two English lawyers, for a legal statement of opinion.[16] Their reply is important as the first such statement obtained by either Quaker or Anglican body in its struggle against the Massachusetts church-state system.

Query 1 Whether Presbiterian Ministers not being Inducted according to the Cannons of the Church of England, have power to sue for, Distrain and cast into prison, Persons yt refuse to pay the Tax of the Country made in January, 1693. in the Towne of Lyn in New England.

Answer Unless there is a Law in the Country Confirmed in England to Justifye it, I conceive they cannot; for a Presbiterian Minister is a Person not taken of in our Law, and if he was the Law of England doth not warrant such proceedings; I find by the Warrant to the Constable his behaviour in this Case—

Q: 2 Which way ye Person so Prosecuted distrained or Imprisoned may be Relieved agst the said Law or Prosecution aforesaid.

Ans: The Person so prosecuted If his goods were distrained may bring a Replevin or Action of Trover for Recovery of them: If he is Imprisoned he may bring an Action of ffalse Imprisonmt or an Habeous Corpus ye Cause of his Committment appearing on return thereof, a Judge ought to discharge him his Committmt being Illegal.

[15] *Lond. M. for Sufferings,* XII, 192-193.
[16] *Ibid.,* XII, 224, 230, 241, 247.

Q: 3 Whether any of the Country Laws of the Said New England made by their select men yt are repugnant to the Laws of England can be Lawfully Imposed upon the Inhabitants thereof.

Answer I Presume by their select men, they mean their Assembly, If so I take it yt no Law yt is made by them yt is repugnant to the Law of England will bind the Inhabitants Unless it be Transferred to England and there confirmed.

J. Scroope
I am of the same opinion with Mr. Scroope
Tho: Newton—[17]

On the strength of this statement the London Friends now wrote to the New Englanders urging them to try a test case and if local judgment proved unsatisfactory, to carry the suit to the proper court in England.[18] Here was the first suggestion of the later appeal to the King in Council. Further encouragement along the same line soon came to the New England Yearly Meeting from Governor Bellomont. The Lynn meeting, not yet ready for a test case, carried its difficulties to the Yearly Meeting of 1699, which appointed a committee to "consider & Draw up an Accot of frinds Sufferinges at Linn & Yarmouth or ealswhere in order to present to ye Governer Bellomont to obtaine Reeleefe from him."[19] His reply was to call the Quakers' attention to the fact that the laws of which they complained had been confirmed in England so that he had no authority in the matter "without order from thence." He did however give the Quakers to understand that he would send their petition to England and obtain some answer for them.[20]

Altho this petition never reached England, Bellomont had made a contribution in his statement that the Massachusetts law had had the approval of the crown. It remained for the London Friends to prove this statement to their own satisfaction and this they did through the work

[17]*Book of Cases,* II, 22-23.

[18]*Lond. M. for Sufferings,* XII, 235-236.

[19]*N. E. Yr. M.,* 12.

[20]*Epistles Rec'd,* I, 301-303, Epistle from the N. E. Yr. M., 1699; *Lond. Yr. M.,* II, 302.

of investigating committees.[21] Richard Diamond and William Crouch, who visited the Plantation Office at the request of the meeting, reported the existence of the law of 1692,[22] and John Field, who was shortly afterwards sent to discover whether the law had received royal approbation, reported that it had been confirmed by the King in Council.[23]

Nothing daunted, the English Quakers determined to proceed farther, first taking the precautionary measure of recommending to all meetings in the various colonies that they watch their respective legislatures and give timely notice of the passage of a law if they wished to have it disallowed in England.[24] In regard to Massachusetts the London Friends observed that it might not be in accordance with the Massachusetts charter to "force maintenance to a Nonconforming Ministry dissenting from ye Church of England." If the New England Quakers were convinced that this was the case they were urged to approach the governor once more and remind him of this fact, in order that he might inform the Privy Council against the allowance of further legislation. In the meantime it would be well for them to draw up a petition directly from themselves to the king that the English Friends might solicit for them and have a stop put to further legislation.[25]

While the London Friends were waiting for a reply from New England, they were investigating the various questions which had recently presented themselves. William Crouch brought from the Board of Trade information of a fact which they were already suspecting: that when once a law made in the plantations had been allowed in England there was no way of repealing it "but by the Assembly that made it." The meeting which received this statement appointed a committee to discover whether the law which was under consideration did "agree with the

[21] *Lond. M. for Sufferings,* XIV, 224-225, 272.
[22] *Ibid.,* XIV, 229-230.
[23] *Ibid.,* XIV, 277.
[24] *Ibid.,* XIV, 277-278.
[25] *Epistles Sent,* I, 367-368, Epistle to N. E., 1700.

Original Patten or Governours Instructions."[26] Three months later William Crouch appeared with the Massachusetts charter, secured at the Plantation Office, and it was filed by the Meeting for Sufferings with the laws of 1692.[27] Convinced by their perusal of the charter that laws for the support of one form of worship were not in accordance with this document and that they should be disallowed on this basis, they wrote a further letter to New England in which the Massachusetts Quakers were again urged to keep watch of their assembly and make protests before it was too late.[28]

The first suggestion made by the English Friends in their letters of 1700,—that a petition to the king be drawn,—was followed by the Quakers of Lynn, who in the following year produced a timid representation. It was approved in the New England Yearly Meeting and dispatched to London.[29] The Massachusetts Quakers had not yet grasped the full significance of allowance by the crown of colonial legislation and made the simple prayer that they might be eased of the imposition of tithes.[30] In recent months the London Meeting for Sufferings had been gaining a clear idea of colonial administration and recognized the fruitlessness of such a petition unless new legislation was before the Privy Council. Its only act, therefore, was the appointment of a committee to approach the man who should be made governor of New England and ask his moderation toward the Friends there.[31] Other matters of importance to Quakers were already occupying the attention of the London meetings and crowded out consideration of this case for the present. The sufferings of the Lynn Quakers did not again appear as a separate issue until 1705.

The assurance with which the English Quakers made promises of effective support in the case of further ecclesi-

[26] *Lond. M. for Sufferings,* XIV, 281-282.
[27] *Ibid.,* XIV, *passim;* XV, 87, 93, 106.
[28] *Ibid.,* XIV, 350, 353, 360; XV, 38.
[29] *N. E. Yr. M.,* 15; *Epistles Rec'd,* I, 345, *Epistle to London,* 1701.
[30] This petition appears in full in *Epistles Rec'd,* I, 346.
[31] *Lond. M. for Sufferings,* XV, 184.

astical legislation in Massachusetts was well founded. In the years following the revolution, when the Toleration Act had recognized the Quaker body with other dissenters, and further laws passed in their favor were giving them various rights and privileges, the growing influence of these people received increasing recognition. In governmental circles this was due in large part to the importance of individuals among them who represented ability, wealth and large business interests. There has been present in the make-up of many adhering to Friends' principles a strong business sense and financial keenness which, combined with deep religious feeling and sincerity of lofty purpose, has given great material strength to the society. William Penn was himself a possessor of these characteristics. In New England they appeared conspicuously in the lives of Richard Borden and Thomas Richardson, the former a farmer and land surveyor of Tiverton,[32] the latter a prosperous merchant of Newport.[33] These were the two men who probably did the greatest work individually for the Quaker cause in Massachusetts. Among the English Friends who were backing the New England meetings at the opening of the eighteenth century many could be mentioned who were primarily men of business. The name of William Crouch appears among the signatures to a petition (29 Jan., 1702/03) against granting a charter of incorporation to Sir Mathew Dudley and others for furnishing her Majesty with naval stores. It was offered on the theory that such a charter would be destructive to the trade of the provinces and be "a very great prejudice" to all merchants and traders to those parts, among whom the

[32]Richard Borden showed his business keenness in the purchase, with his brother, of twenty-six and one half thirtieths of the mill stream and mill lot at Fall River, which brought wealth to his descendants. Peck and Earl, *Fall River*, 227. He was the son of John Borden of Quaker Hill, Portsmouth, R. I., with whom George Keith records in his journal an amusing encounter. *Journal*, 23, 30 Aug. 1702.

[33]The manuscript letter books of Thomas Richardson, which give an idea of the extent of his business, are in the possession of the Newport Historical Society.

petitioners were numbered. The charter was not granted.[34] Other important Quakers were John Field, Edward Hastwell, Theodor Eccleston and Joseph Wyeth, and in later years John Gurney,[35] Thomas Hyam[36] and Richard Partridge.[37] John Kelsall, a young Quaker who attended the London Yearly Meeting of 1704, records in his diary a list of the noted Friends present, in which are as many names which represent public importance as stand for eminence in preaching or writing.[38]

This was the type of Englishman which had opposed William III's methods of dealing with foreign trade and economic affairs in the colonies, calling into existence the body officially known as the Lords Commissioners for Trade and Plantations. The first members of the Board of Trade were chosen largely to satisfy the demands of English business interests.[39] In such interests Quakers were represented, and to this fact may be due something of the close relation existing between the Board of Trade in its early history and the London Yearly Meeting. At a later date, when the Board had lost much of its early vigor and colonial affairs were in Newcastle's hands, the influence of the English Quakers in the problems of the American Friends was no less conspicuous. In these later years the Quaker body not only continued to form a strong element in the Whig party, but included among its mem-

[34] *C. O. 5, 910,* 381-382.

[35] He presented the case of the wool weavers before the House of Lords in 1720. *Biog. Cat.,* 294; *Dict. Nat. Biog.*

[36] In 1718 Hyam signed a petition to the Board of Trade from the "Merchants Trading to New England, Virginia and Carolina," asking them not to discontinue the bounty granted by Parliament on pitch, tar and turpentine imported from the plantations. *C. O. 5, 867.*

[37] Jones, *Quakers,* 205-207 and note.

[38] *Kelsall Diaries,* 1704, I, 25, 30. Here for example are the names of William Penn, Thomas Ellwood, John Field, Theodor Eccleston, Richard Claridge, Daniel Philips, Joseph Grove, Joseph Wyeth, Daniel Quare, Edward Hastwell, Robert Haydock, James Dickenson, and Benjamin Bealing.

[39] Dickerson, *Am. Col. Gov.,* 20-57.

bers several men who could command the attention of Walpole and the Duke of Newcastle.[40]

This political influence of the important Quaker leaders appears in many contests which they entered for the sake of the Friends in the colonies, just at the opening of the eighteenth century. Here may be mentioned their resistance to the Maryland tobacco act with taxation for the Church of England, opposition to the newly published Connecticut law against heretics, and their long continued struggle against the crown's attack upon proprietary governments. Tho they were in these acts opposed by the Church of England, the colony of Connecticut and the general policy of the Board of Trade respectively, the Quakers were able to get unusual recognition. Two of these struggles bear an indirect relation to Massachusetts Quakerism.

In the attack on proprietary governments the Quakers of England saw a two-fold danger. In the first place they foresaw the fall at the hand of the Board of Trade of the thriving Quaker colonies of Pennsylvania and Rhode Island, and immediately sent letters to both Philadelphia and Newport to advise of the situation and urge that statements of defense be sent to England.[41] Beyond this and as a prime motive, they were convinced there was an endeavor on the part of the English bishops and clergy, especially Dr. Bray, and their "more meaner Instruments,"—as they termed Randolph and Jeremiah Basse, royal governor in New Jersey,—to secure the introduction of governmental institutions which could best be used as the civil arm for establishing the Church of England in these colonies, welcoming missionaries and collecting tithes.[42] Before them

[40]John Gurney was offered a seat in Parliament by Sir Robert Walpole but declined the offer on the ground that such a position was incompatible with his religious views. *Biog. Cat.*, 294-296. See also J. Belcher to R. Partridge, 20 May, 1740, 6 *Mass. Hist. Colls.*, VII, 507; J. Belcher to [T.] Hyam, 25 Oct., 1740, *Ibid.*, VII, 522 *et alia.*

[41]*Lond. M. for Sufferings*, XV, *passim; Cal. of St. Papers, Col. Series, Am. and the W. I., 1701*, 286.

[42]*Epistles Sent*, I, 408-410, Epistle to R. I., 1701.

they imagined lay the same battle in these colonies that they were already waging for Maryland. It was in certain part due to the efforts of a vigorous committee of the London Meeting for Sufferings that the matter was dropped in 1701.

When the attack on the charter governments of Rhode Island and Connecticut was renewed in subsequent years, the situation was changed by the presence of Joseph Dudley as governor of Massachusetts. While determined to enforce the British imperialistic policy of which he was the exponent[43] and conscious that this was impossible without great changes in the liberties of Rhode Island, he had a keen sense of the importance of the Quaker in England. His problem was to keep on good terms with a vigorous religious body, while advancing schemes for colonial control which conflicted with the political and less directly the religious interests of this sect. During his whole period of government he was remarkably successful in clearing himself from accusations made by English Quakers and in giving a distinct impression of cordiality to the New England Friends.

On May 20, 1703, the London Yearly Meeting took notice of the revival in Connecticut of an old law against various heretics, including Quakers.[44] The New England Yearly Meeting, in sending this law along with an epistle to London begging for its "repeal," were carrying out the suggestion which the English Friends had made when, two years before, they urged the timely report of such legislation. Two distinct measures were adopted by the London Meeting for Sufferings at this time. The committee to whom the matter was assigned was not only to visit the Plantation Office, with a view to learning whether this law had yet arrived and been confirmed; it was also to acquaint the Presbyterian and Independent ministers of London of the existence of this colonial legislation.[45] The committee, upon discovering that this law was at the Plantation

[43]Kimball, *Joseph Dudley.*

[44]*Lond. Yr. M.,* III, 77.

[45]*Lond. M. for Sufferings,* XVI, 294-295.

Office,[46] wrote a letter to the Presbyterian and to the Congregational ministers of London asking them to join the Quakers in a petition to the Queen for disallowing such laws as were inconsistent with that liberty of conscience for which they were all supposed to stand.[47] The answer from the ministers, while acknowledging that they as well as the Quakers were for liberty of conscience everywhere, did not accept the invitation. It stated merely that both bodies were writing to the Congregationalists of New England, repeating the complaint of the Quakers, and remarked that they could go no further until they should obtain a reply.[48]

[46] *Ibid.*, XVI, 299-300.

[47] *Ibid.*, XVI, 305, 311.

"To the ministers and Elders of the { Presbiterian / Independent } Congregations.

There being severall severe Laws made by your Brethren in New Engld both in the Massachusets Bay Province and also in the Colony of Connecticutt agst. our ffriends the People called Quakers only for their Conscientious Dissent from ye Nationall Way there, and not for any Crime or Evill fact done by them.

Now if you are for liberty of Conscience to those that Dissent from you and are willing our friends in New England should Enjoye the like liberty of their Consciences there, as you with us doe here,—We request you to mannifest your sincerety herein, not only by shewing your dislike thereof to your Brethren there, but also by your Concurrent application (with us) to ye Queen, that she would be favourably pleased to disallow all such Laws and in the meantime we hope you will find it Expedient to give your publick declaration agst. the said Laws.

We desire your speedy answer and Remain your Christian ffriends.

Wm. Crouch
Wm. Mackett
Theodr. Eccleston
Londo. the 22 9/m 1703 Jno. Whiting
John Field
George Whitehead"

Book of Cases, II, 140-141. There is another copy in the Public Record Office, *C. O. 5, 864.*

[48] "To Mr. Wm. Crouch, Mr. Jno. Field, Mr. George Whitehead, Mr. John Whiting and Mr. Wm. Mackett.

Gentlemen

Your Papers having been Communicated to us severally we have in complyance with your desire wrote two distinct Letters to our

The letter which was written at this time by the London Congregational ministers finally reached Increase Mather.[49] In it the writers showed a much less clear conception than the English Quakers possessed of the basis and methods of New England legislation, as they had studied the *Magnalia* rather than the Plantation Office. Nevertheless, with some opening apologies, they made a strong case regarding "penal laws for matters of meer Conscience."[50]

In the meantime [51] the London Quakers grew weary of waiting for the Independents, and the Yearly Meeting of 1704 gave its approval, with financial support, to a petition which the Meeting for Sufferings had prepared and was ready to lay before the Queen in Council.[52] Succeeding meetings followed this petition in its course through Lords Committee and Board of Trade, arranged for answering

Brethren in New England and therein laid before them the matter of your complaint.

You will easily allow that we must expect their answer before we can fairely take any farther steps: only as we have in those Letters fully signifyed to them, soe we doe in this Joyntly declare to you, that we are most unfeignedly for such a liberty of Conscience every where, as you with us doe here by Law enjoy.

Wee are

Your servts. in the Lord

J Spademan	Thos: Rowe
Josh: Oldfield	Ben: Rowe
Ben: Robinson	Matth: Clarke
Ro: Fleming	Robt. Bragge"

January 17th. 1703/4

Book of Cases, II, 141.

[49]A letter was also written by the Presbyterians (*Lond. M. for Sufferings,* XVI, 325, 328) and is probably the one printed in Calamy, *Baxter,* I, 670-672. It is here described as "Sign'd by severall of the other Three Denominations of Dissenters and sent in their common Name to some Ministers of Reputation in *New England,* to be communicated to their Brethren." It may never have reached its destination.

[50]*C. O. 5, 864.*

[51]*Lond. M. for Sufferings,* XVII, 257.

[52]*Lond. Yr. M.,* III, 125.

Sir Henry Ashurst[53] in his defense of Connecticut and for seeking advice from William Penn. They supplied specific instances of persecution when called upon and finally, when the Order in Council had been secured, filed it with the other papers.[54]

A second attempt was made by the English Quakers to gain the support of the Nonconformists in 1705, after the receipt of the Order in Council. A committee of Quakers then visited the Independents with the invitation to join them in sending to New England the appeal that the "Tolleration act may by yt Governmt be there admitted by consent in its full force." As neither body took the steps for which the Quakers were hoping,[55] the Meeting for Sufferings independently sent off a copy of the Order in Council to the governor of Connecticut with an earnest recommendation for the future.[56]

In this question Dudley became involved through the accusation by Sir Henry Ashurst that it was he who had unearthed this bit of old legislation and published it in Boston in order to stir up in England further hostility to the government of Connecticut.[57] While this was not a fact, the charge was a clever one, as it took account of Dudley's appreciation of the importance of the Quakers and of the evidence he was already giving of a desire to conciliate them. Watching from Boston their activities in England he saw that in their first appeals they were associating Massachusetts with Connecticut in treatment of

[53]In *Book of Cases,* II, 144-154, appear the following papers:— Memorial of Sir Henry Ashurst to the Board of Trade, Answer to Ashurst by the Quakers, Ashurst's second petition, Answer by the Quakers, Instances of prosecution under Connecticut law, Letter from the Quakers to the governor of Connecticut.

[54]*Lond. M. for Sufferings,* XVII, 108, 112, 156 . . . 212, 226, 234, 241, 274, 276, 291, 299, 303, 309.

[55]*Ibid.,* XVII, 316-317, 320; XVIII, 26.

[56]John Field and Joseph Wyeth to the Governor of Connecticut, *Book of Cases,* II, 152-154. The act had been repealed by Connecticut before this letter arrived. *Lond. M. for Sufferings,* XVIII, 178.

[57]Dudley to the Board of Trade, 2 Oct., 1706, *C. O. 5, 912,* 274-276; Trumbull, *Hist. of Conn.,* I, 420.

dissenting sects. He accordingly wrote (1 Jan., 1703/04) to William Crouch, one of the London Quakers, to explain the situation, saying "there are no Laws in . . . [Massachusetts] yt Affect any perswasion of the Reformed Religion—and . . . their Laws wch were formerly made agst friends are abolished."[58]

William Crouch, tho convinced of Dudley's friendship, had gained, in the course of his investigations at the Plantation Office, information of the letter which Dudley had written to the Board of Trade, September 17, 1702, berating severely the Quaker government of Rhode Island.[59] As a result of this discovery his answer to Dudley's letter contained a rebuke.[60]

Meanwhile the letter written to New England by the Congregational ministers of London, carrying with it a copy of the London Quakers' letter to them, had reached Increase Mather. Not long afterwards (29 October, 1705) there appeared in the *Boston News Letter,* under the editorship of John Campbell, certain insinuations against the London Quakers based upon their letter to the Congregational ministers. The chief point here made was that the London Quakers in this letter had misrepresented the Massachusetts government, accusing it of great unfriendliness to the Quaker element and in this including Dudley. To the London Friends this was a direct challenge from Dudley as the paper bore the usual heading, "printed by authority." John Field and Joseph Wyeth, who acted as a committee in this affair,[61] visited the Lords of Trade and secured their promise that a letter would be written to clear the London Friends of any suspicion of opposing Dudley's government. A letter written soon after by the

[58] *Lond. M. for Sufferings,* XVII, 268.

[59] *Cal. of St. Papers, Col. Series, Am. and the W. I., 1702,* 966.

[60] *Book of Cases,* II, 154-157. At the same time the London Meeting for Sufferings agreed to send to the Rhode Island Meeting the complaints which Dudley had made in his letter to the Board of Trade in order that the Rhode Island Quakers might prepare to defend themselves if occasion arose. *Lond. M. for Sufferings,* XVII, 276, 282.

[61] *Lond. M. for Sufferings,* XVIII, 11.

Board of Trade to the governor of Massachusetts contained this statement:—

And whereas several of the Quakers here have complained to Us of a paper said to be printed at Boston by Authority, Entituled, The Boston News Letter, Dated the 29th of October last, containing reflections upon their proceedings here in England: We think it fit to give you this notice that none of that perswasion have made any Application to this Board in reference to New England otherwise than against the forementioned Law Entituled Hereticks and that the Spreading of false News cannot but tend to the Creating of heats & Animosities amongst her Majesty's subjects.[62]

So it was that Dudley received within a few months of each other two letters which called upon him to state his position in relation to Quakerism. To each he returned a reply.

To Wm. Crouch in answer to his dated the 3d 6m 1705.

Boston ye 15th of Aprill 1706.

Sr This is the first oppertunity Since I had your kind letter and it is to thank you for your respect therein and so freely to accept your Chiding if I have deserved it, it is certain there is no Law of these Provinces in force agst any of your perswasion nor pretence thereto but they are as Easie in all points as any others to attend their own Method of Worship and I believe none of them will complain that I have not always Treated them with freedom and respect as well as Justice, but in the matter of Road Island of wch you write it is not a Business of Religion but of a Civil Nature referring to the Jurisdiction of the Admiralty Court in which I did nothing but wt I was Expressly Commanded by her Majesty and their Refusal was agst the Law as is given for the Opinion of her Maties Councill in the Law to wch they and I ought to submitt,—however that matter is now over and need never be Remembred or Repeated, I heartily Wish you well and shall be glad of a letter now and then from you and pray you will give my service to Mr. Pen when you may see him.

I am Sr. your very humble servt

J. Dudley:[63]

To the Board of Trade on October 2, 1706 he wrote:—

I am very sorry that the News Paper should give your Lordships the least disturbance referring to the Quakers here is no Law in being that reflects upon them or is grievous, saving the Military Laws, which demand Fynes for want of Service, which was made before I came hither, but has been used as moderately as I can bring to pass, There are none of that perswasion here, but will give Testimony if need were of my friendship

[62]Board of Trade to Dudley, 4 Feb., 1705/06, *C. O. 5, 912,* 119-120.

[63]*Book of Cases,* II, 167-168; *Lond. M. for Sufferings,* XVIII, 139.

and kind reception of them at all times,[64] and in this Matter I have reprimanded the writer, and required him to tell his News without any reflection for the future, which I am sure he will obey, and of this the Quakers here are knowing and well satisfyed.[65]

This somewhat intricate episode is of importance in the light which it throws on numerous civil and ecclesiastical questions. Dudley appears as the exponent of British imperialism, ready to carry out the wishes of the authority which he represented, with the underlying policy of placating rather than disturbing various religious interests. The London Quakers give marked evidence of their constant support of the smaller groups in Congregational New England and of their ability to enlist the government in their behalf; the Congregational and Presbyterian ministers of London in their few utterances show how little sympathy and understanding remained between them and the established dissent of New England; they show likewise the weakness of their organization which was often met when an attempt was made to bring them to share all together in a common cause.[66]

[64]There are several proofs of the truth of this statement. In 1703 a petition from Sandwich Quakers reached Dudley, and he seems to have taken some interest, perhaps attempting to find out the number of the sect in the province. *Sandwich Mo. M.*, 51; *N. E. Hist. and Gen. Reg.*, II, 149.

[65]*C. O., 5, 912, 274-276.* In addition to making this statement to the Board of Trade Dudley, in his interview with Campbell, so frightened him that the latter sent in all haste to the Board of Trade a letter of apology. *C. O. 5, 864.*

[66]Cotton Mather's utter disgust with the interference of the English nonconformists finds vent in his diary on September 11, 1706. "Moreover, the wicked *Quakers* having made their Addresses and Complaints and Clamours, at home in *England* against the Countrey, whereof an Account was address'd unto us, by the Independent Ministers in *London;* as if we had persecuting Lawes among us: I thought this a good Opportunity, not only to vindicate my injured Countrey, but also to discover more and more of the wicked Spirit of *Quakerism,* and to demonstrate, that their *Light within* is a *dark, feeble, sinful Creature,* and that to sett it up for *Christ* and *God,* which is done in *Quakerism,* is a very horrible Idolatry. I composed a Treatise on this Occasion; and sent it over unto the Ministers in London; under the Title: NEW AND REMARKABLE DISCOVERIES OF THE SPIRIT OF QUAKERISM." 7 *Mass. Hist. Colls.*, VII, 571.

During the progress of these events the Quakers of Massachusetts had not been idle. Tho interested primarily in the Massachusetts legislation,[67] the Friends of Lynn threw themselves heartily into resistance to the Connecticut heretic law, and the New England meetings together sent twenty-four pounds to aid in securing its disallowance.[68] In 1706 the London Meeting for Sufferings was beginning to take up with the Board of Trade the further disabilities of the New England Quakers in both Connecticut and Massachusetts but was for a time delayed by the Connecticut agent.[69] At this moment events occurred in Massachusetts which roused all the little meetings and carried the center of the struggle back to the New England shore.

The immediate cause of the rising of the little meetings of Massachusetts was the law of November 14, 1706. The weekly meeting which especially stirred itself was that of Little Compton whose relations with the Bristol Court of General Sessions were somewhat strained. This meeting, with an appeal to the Governor in mind, on December 3, 1706, applied to the Rhode Island Monthly Meeting of which it was a member; but the latter suggested that it would be better to delay matters until "sufferings were better put in order," and a concerted action possible.[70]

Representatives from Rhode Island Monthly now carried the idea to the Rhode Island Quarterly Meeting and there urged that all Friends be instructed to collect their sufferings "Especially wt is taken for ye Priest." Rhode Island Quarterly Meeting approved, and Richard Bordon was chosen to

> Send to ye other monthly or Quarterly meeting in Newengland to doe ye Like; & So to bring in order Sd Sufferings to Rhoad Island yearly meeting

[67] *Lond. M. for Sufferings,* XVII, 257, 309, 321.

[68] This money was collected from Rhode Island, Salem, Lynn, Sandwich, Dartmouth, Scituate, and Boston. *Epistles Rec'd,* II, 27-30, Epistle from Lynn Mo. M., 12 Jan., 1707/08; *Lond. M. for Sufferings,* XIX, 65-66; *Dartmouth Mo. M.,* 27; *Salem Mo. M.,* 25; *R. I. Mo. M.,* I, 199, 200, 203; *N. E. Yr. M.,* 35-36.

[69] *Lond. M. for Sufferings,* XVIII, 179, 184, 230, 245.

[70] *R. I. Mo. M.,* I, 82, 184.

yt friends may fairly Apeal to ye Masetusus Governer & So for England if Acation be for Releaf.[71]

Salem Quarterly Meeting was the next to consider the situation. On April 7, 1707, it was ordered that some of its principal members send to England the law "lately mad for ye maintananc of there Priests" and all others of like nature, and appointed Samuel Collins and Walter Newbury, two of its prominent members, to "acquaint ye Governar of ye Sd Laws and there intentions before they send it for England."[72]

This committee, obedient to instructions, took up the task immediately, but the occurrence of the Yearly Meeting two months later made it possible for them, by carrying the matter to Rhode Island, to broaden their appeal, so as to involve a large part of the Quakers in Massachusetts, tho Richard Borden's independent work in the limits of the Rhode Island Quarterly Meeting was not included. The Yearly Meeting ordered the gathering of "an account of friends Sufferings ffor not paying the priest Ever since Governor Dudley hath Beene present governor for Reliefe and that to Bee done by the ffrst 2d daye of the next month and send in the Same to Walter Newberry, in order ffor him & Saml Collins to Laye before ye Governor ffor Releiefe."[73]

The work of Newbury and Collins when finally completed comprised a petition and a paper entitled:—"A True Accompt of the sufferings of the People Called Quakers. In divers parts of this her Majtys Colony of New England. for consienciously refusing to pay towards the Maintenance of their Priests."[74] It included the various recorded instances of distraint and imprisonment for priest's rates belonging chiefly to the towns of the Salem Quarterly Meeting, Lynn, Salisbury, Haverhill, Amesbury and Kittery with a few entries for Falmouth and Mendon of the Sandwich Quarterly. The sufferings of the Lynn

[71] *R. I. Quart. M.*, 47.
[72] *Salem Quart. M.*, I, 5.
[73] *N. E. Yr. M.*, 36.
[74] *Mass. Archives*, XI, 237.

Quakers in 1705 and 1706 were estimated at seventy-one pounds six shillings and five pence. The accompanying petition reminded the governor and council of their power to block this oppressive legislation and warned them that, unless something were done at Boston for the relief of Quakers, application would surely be made to England.[75]

While Dudley had no grudge against the Quakers, the Council was not very friendly. The cause had not yet become a vital issue. A delay was voted and objections raised. No promises were made.[76]

Immediately after this, difficulties in Bristol County became so acute that the Salem committee became unimportant and interest settled on the Rhode Island Quarterly Meeting for which Richard Borden was at work. The execution of the law of 1706 did, as we have seen, particularly affect the Quakers in the towns of Dartmouth and Tiverton; but it was not until September, 1708, that their affairs were taken up systematically by the society. At that time, in the Dartmouth Monthly Meeting, the "business concerning the Rate which is required of this town by the General Court or Assembly at Boston, part of which rate is supposed to be for the maintenance of a hireling priest," was referred to the Quarterly Meeting at Rhode Island and John Tucker, the leading Quaker of Dartmouth, was sent to Boston with a petition from the Dartmouth Friends to be laid before the governor.[77] In the following meeting Tucker reported that he had been at Boston but had not been able to get a satisfactory answer.[78]

In the meantime the Rhode Island Monthly Meeting had begun consideration of the similar situation at Tiverton, that town lying within its boundaries. The law of 1706 was denounced and a committee appointed to inform the governor in writing of the "detriment to Friends" caused by the law. It was to request relief and, should its

[75]This petition appears in full in *Mass. Archives,* XI, 235.

[76]*Epistles Rec'd,* II, 27-30, Epistle from Lynn Mo. M., 1707/08; *Lond. M. for Sufferings,* XIX, 66.

[77]*Dartmouth Mo. M.,* 43.

[78]*Ibid.,* 45.

petition be disregarded, threaten an address to the Queen.[79] At the following meeting Richard Borden reported that he and Joseph Wanton, another prominent Tiverton Quaker, had delivered the paper as ordered and had received from Dudley a verbal answer to the effect that they should have a hearing before the General Court. In this message there was nothing sufficiently encouraging to deter the meeting from ordering more lines, this time to be presented to the Rhode Island Quarterly Meeting, that with its sanction they might be sent to the governor as a second appeal.[80]

The two monthly meetings of Dartmouth and Rhode Island had made their independent appeals to Governor Dudley. Both had likewise referred the matter to the Rhode Island Quarterly in which they were represented. This meeting accepted its task and went promptly to work appointing Ebenezer Slocum

for to Speake with ye Govener of ye masathuset Bay, in behalf of ffrinds Concerning the Great oppresion ytt Is Likely to fall upon ffrinds In ytt Colloney by ye Priests Raits being Joyned In with ye gineral Publick Tax.[81]

This petition did little more than repeat what the Rhode Island Monthly Meeting had already written.[82]

Ebenezer Slocum found Dudley willing to give him a personal interview and distinctly friendly, as he had proved in his conversation with Borden and Wanton. While the governor was not able to effect any improvement in the situation, the lower house standing firm to the law of 1706, he took matters into his own hands to the extent of including in a letter to the Board of Trade a review of events in Dartmouth and Tiverton with an expression of personal opinion.

I thought it my Duty to Acquaint Your Lordships herewith, Expecting a Complaint thereupon, I am sorry for their Suffering though it be not upon the head of Religion, and am also sorry that they would be Assessors of the Tax to bring themselves into trouble, they think it hard to be Taxed

[79] *R. I. Mo. M.*, II, 15.
[80] *Ibid.*, II, 16.
[81] *R. I. Quart. M.*, 53.
[82] This petition appears in full in *R. I. Quart. M.*, 54.

to the Maintenance of the Ministry, and if those yt are Strictly of their profession were quitted it would be no great loss but it is Expected that if such an Indulgence be given, a great many will profess themselves Quakers, to quit themselves of this charge, as they have done from bearing Arms, and Many Villages in the Country would be left without any Publick Worship on the Lords Day. I humbly offer it to Your Lordships Consideration having no Interest in the Matter, but that Religion may be Maintained.[83]

The petition of 1708, tho failing to secure any relief to the Quakers, had gained something in this letter of Dudley's. Two other results accompanied it. The Quakers, convinced that nothing could be done through the local government, decided to carry out their alternative and make a vigorous application home to England to prevent the allowance of the law of 1706,[84] while the General Court, foreseeing this action, proceeded to draw up a memorial to be laid before the Queen justifying this legislation.[85] This lengthy document, which is a handbook of Massachusetts ecclesiastical orthodoxy, had practically no effect.[86]

The petition from the Quakers to the Queen, which was the third result of their solicitations at Boston in 1708, was temporarily delayed. The petition to the governor from the Rhode Island Quarterly Meeting had failed, and the following month saw the seizure by the sheriff of Bristol County and imprisonment at Bristol gaol of the neglectful assessors, Richard Borden of Tiverton and

[83]Dudley to the Board of Trade, 1 Mar., 1708/09, *C. O. 5, 913,* 113-114.

[84]*R. I. Quart. M.,* 55.

[85]*Mass. Archives,* XI, 279-280. The paper is entitled "A Memorial of the Governour Council & Assembly of Her Majties Province of the Massachusetts Bay in New England for their Vindication against the Suggestions and Insinuations of any who may accuse them of harshness and Severitys towards such as are of different perswasions from them in matters of Religion." An undated copy of this document is filed among the Board of Trade Papers for the years 1718-1720. *C. O. 5, 869,* No. 9.

[86]From a letter written by Dummer to Sewall (7 Dec., 1709) it would appear that it did little more than intensify the irritation which the Board of Trade felt toward Massachusetts. *Lond. M. for Sufferings,* XX, 11. The answer written by the Board of Trade to Dudley's letter of March 1, 1708/09, and sent to him Jan. 16, 1709/10, ignores the whole discussion.

Thomas Taber and Deliverance Smith of Dartmouth.[87] At this the Rhode Island Monthly Meeting of November 30, 1708, decided to give the governor one more chance; but in case he failed to answer their requests, the Quakers declared, "then this meeting Doth Continue . . . to write to the Queen."[88] At the following meeting the petition to the Queen was read, and ordered sent to England.[89]

This petition, which reached London in the spring of the following year, was given careful consideration by the Meeting for Sufferings. It was agreed, however, that instead of addressing the Queen it would be well to write once more to the Presbyterian and Congregational ministers of London.[90] A meeting between the delegation from the London Meeting for Sufferings, headed by John Field, and the Congregational ministers occurred in the latter part of November, 1709, and gave the Quakers good cause for encouragement. From the discussion which took place they were once more convinced that the English nonconformists had very little feeling of sympathy for their brethren in New England and "seemed Inclined to be Assisting to friends in Endeavouring to get yt Law Repealed wch friends complain of."[91] At a meeting in the following month the Quakers received the offer from the Congregationalists to write once more to New England urging that the annoyances of which the Quakers complained, might cease.[92]

[87]During the whole time of imprisonment of these men the Monthly Meetings of Rhode Island regularly arranged for the support of their families. Thomas Taber was a Baptist rather than a Quaker but was included in this benevolence. *R. I. Mo. M.*, II, 21; *Dartmouth Mo. M.*, 46-47, 49.

[88]*R. I. Mo. M.*, II, 19.

[89]*Ibid.*, 20.

[90]*Lond. Yr. M.*, IV, 58; *Lond. M. for Sufferings*, XIX, 296, 301, 307, 310.

[91]*Lond. M. for Sufferings*, XIX, 324.

[92]"Joseph Grove Reports his and some other friends being with the Independt Preachers according to appointment and were Civilly Treated by them—and they seem to shew their great dislike to their Brethren in New Englands proceedings agst our friends there—and offered their

Whether or not the dissenting ministers carried out their promise as they had on a previous occasion, an even more effective measure was taken by Jeremiah Dummer, at this time agent for Massachusetts. In consequence of the lengthy memorial from the General Court to the Board of Trade and the action in the London Quaker meetings which might end in a petition to the Queen, he wrote to Samuel Sewall, at this time a member of the governor's council in Massachusetts and Judge of the Superior Court at Boston. In this letter he reminded Sewall of the ill name which Massachusetts magistrates had with the government for their many independent actions, and suggested that the Queen would have little sympathy with dissenters for giving severe treatment to Quakers and Baptists who were looked upon in England as equal with the Presbyterians and Independents under the Toleration Act.[93]

The chief reason why the Quakers did not apply to the Privy Council in 1709 was that the very meeting which received the Rhode Island Monthly Meeting's petition learned also of the liberation of the imprisoned assessors. After dispatching to London their petition to the Queen, the monthly meetings of New England proceeded to take what measures they could for the immediate relief of the imprisoned assessors. The Dartmouth Monthly Meeting of January 17, 1708/09, sent John Tucker to Boston to ask for the release of the prisoners[94] and the results of his efforts were most satisfactory. Between the years 1706 and 1714 Tiverton was regularly, with the exception of the present year, assessed the sum of one hundred seventy pounds while Dartmouth was rated for an amount varying between three hundred forty-five pounds and three hundred seventy. The charges for 1708-1709 of two hundred pounds and four hundred thirty-seven pounds and eleven shillings

Assistance in writing over to them, to stop the prosecution agst our friends and one of their ministers that intends sudenly to goe over declar'd he would be assisting therein." *Lond. M. for Sufferings,* XIX, 331.

[93]Dummer to Sewall, 7 Dec., 1709, *Lond. M. for Sufferings,* XX, 11.

[94]*Dartmouth Mo. M.,* 47.

respectively showed therefore a ministerial rate of thirty pounds for Tiverton and about sixty for Dartmouth. The selectmen not only failed to assess the one hundred pounds extra but declined to have anything to do with the whole rate. Their imprisonment was therefore legal even without the ecclesiastical legislation of 1706. Through a compromise now effected the assessors of Tiverton agreed to assess the town's regular rates and the additional tax was removed "for the present."[95] In the case of Dartmouth the two assessors were unexpectedly discharged.[96]

The probable explanation of these events appears in a vote of the New England Yearly Meeting which soon occurred. Richard Borden and Thomas Cornell were appointed to write to Governor Dudley "a sallutation of Respects and acknowledgments of his severall ffavors and Kindnesses shewed unto our ffriends."[97] The Governor of Massachusetts had expressed in his attitude toward the Quakers in his province, the general policy of the Board of Trade as well as what was probably his own personal sympathy. It is significant that the next serious troubles between the Massachusetts authorities and the Quakers of Dartmouth and Tiverton did not occur until after the death of Queen Anne and the removal of Dudley.

In 1715, the year of Lieutenant-Governor William Tailer's authority, the Quakers became much concerned upon learning that the Massachusetts Church was taking means to secure governmental sanction for holding a synod, as had been done in the early days of the colony. In this attempt the New England Yearly Meeting saw on the part of the ministers a determination to have the Congregational Church receive more legal recognition. To them it seemed that an act of the legislature, giving the right to hold such a synod, upon receiving royal allowance, would

[95] *Mass. Prov. Laws,* IX, 47, ch. 124.

[96] *Dartmouth Mo. M.,* 47-48, 49; *Lond. Yr. M.,* IV, 58.

[97] *N. E. Yr. M.,* 52. Further Quaker approval of Dudley may be found in *Epistles Rec'd,* II, 29-30, Epistle from the Lynn Mo. M., 1707/08; *ibid.,* II, 63-64, Epistle from the N. E. Yr. M., 1708; *Lond. Yr. M.,* IV, 58. A different view is taken by Palfrey, *New England,* IV, 449, note.

make the Congregational Church the true established church of Massachusetts, like "Presbitery . . . in North Britain,"[98] as they argued it had never really been. A memorial from the Congregational ministers was before the upper house on May 31 when it was voted by the councilors "That the Synod and Assembly above-mentioned, is agreeable to them, and the Reverend Ministers, are Desired to take their own time for the said Assembly." On June 1 it was concurred in by the Representatives.[99] The Yearly Meeting which now opened its sessions appointed a committee to watch the progress of the ministers' memorial and if necessary, inform the London correspondents, that they might prevent the allowance of any such law.[100] The London Meeting for Sufferings, upon receiving this information, was on the alert[101] but action was unnecessary, as Increase Mather opposed the synod in an address to the House of Representatives and it was never authorized.[102]

The law of November 14, 1706, was enacted for seven years only. If the English crown had seen fit to order it disallowed when addressed in 1708, or if the Massachusetts General Court had been willing to let it lapse when its time was run out, the stirring events among the Quakers which began once more in 1717 and culminated in an appeal to the Privy Council in 1723 would never have occurred. The legislation of 1706 was practically repeated in 1715, and the law of 1715 was reenacted in 1722. While the legislation

[98] *Lond. M. for Sufferings,* XXII, 125.

[99] *House Journal, 1715,* 8.

[100] *N. E. Yr. M.,* 90; *Epistles Rec'd,* II, 186, Epistle from N. E. Yr. M., 1715.

[101] *Lond.* Yr. M., V, 155-156; *Lond. M. for Sufferings,* XXII, 125, 127. "Our friends of New England had but too much Reason for giving us a hint of their design Because ye Ministers and Elders of Boston had concerted Such a Project among themselves and That Cotton Mather & Ebenezer Pemberton, Two of their Preachers had agreed to undertake the voyage as agents; But when they came afterwards to lay their Intentions before the Assembly, such Reasons were there offered against it, yt it was Quasht, at least for the present." *Lond. M. for Sufferings,* XXII, 230; *Epistles Sent,* II, 238; *Lond. Yr. M.,* V, 220.

[102] *House Journal, 1715,* 17, 18.

of 1715 continued the chief provisions of the law of 1706, it was not followed, as in 1708, by a strict application. For this reason it aroused little immediate excitement among the Quakers. The first evidence we have that they had discovered the act of 1715 is in the action of the Dartmouth Monthly Meeting of May 20, 1717, when a committee was chosen

to Draw up some account to Walter Newbury Concerning a Late act for ye maintenance of ministers and Desire him to take ye said act along with him to Old England and deliver it to John Whiting or some other friend yt he shall think suitable.[103]

It was at this same time that the affairs of Dartmouth Quakers were again before the General Court. Peleg Slocum and John Tucker owned land on the Elizabeth Islands and were accordingly rated to the minister of Chilmark, in the boundaries of which town it was located, altho both men resided on the mainland and hence far from Martha's Vineyard.

Not only did the two men petition the General Court but the Yearly Meeting[104] also addressed a representation to the governor who was now His Excellency Samuel Shute. The Council, perhaps realizing from the affair of 1709 what the course of events might be, voted a hearing for the following session, all prosecution to cease in the meantime. But the House of Representatives, when finally forced to consider the case, proceeded to vote a dismissal of the whole affair. Even when the minister and town of Chilmark went so far as to ask that the estates of Slocum and Tucker might be exempted from paying toward Chilmark's ecclesiastical charges and the Council was ready to grant this request, the lower house met the situation with a twice repeated "non concurred."[105]

The result of the events of 1717 was that the Quakers of New England in the following year once more took up

[103]*Dartmouth Mo. M.*, 115.

[104]*N. E. Yr. M.*, 98, 99; *Epistles Rec'd*, II, 211, Epistle from N. E. Yr. M., 1717.

[105]*House Journal, 1717*, 21, 24, 25, 27.

their problem of relationship to the established system of the province. Their work so far had shown no lack of energy. Beginning with the systematic recording of sufferings and an endeavor to discover the constitutional basis of the laws of which they complained they were soon pouring applications for redress before the governor of the province and the London Yearly Meeting. Several formal petitions to the Queen in Council had crossed the water; but the English Quakers for one reason or another had failed to push these, tho always ready to do what they could for the New England meetings. As a matter of fact, whatever the New England Quakers did before 1718, tho sincere and strenuous, was accomplished largely through individuals or the smaller meetings, and lacked system. The work done in and after 1718, altho it was started by the separate appeal to Boston by Slocum and Tucker, was based on a new theory. All efforts were to center in the Yearly Meeting and by it a common treasury for this special end was organized, to back up a petition to the crown in England.

This policy is recorded in the minutes of the New England Meeting.

The Consideration of the Contineued Sufferings of ffriends Under the Prisbeterian, or Independiant Priest; haveing taken hold of this meeting; it is agreed that ffriens doe as soone as with Conveniency they Can wright to our ffriends in great Brittain Requesting Their Endevours ffor ouer Relief in that Case and In order to Carey on Said business; and to Deffray the Charge thearof it is agreed that the Quarterly meeting of Rhoad Island doe Colect the Some of thirtey pounds; & ye Quarterly meeting of Salem the Some of ffifteen pounds & ye Quarterly meeting of Sandwich & Sittuat the Some of ffifteen pounds; and when Colected to be ordered into the hands; of John Wanton & Thomas Richardson; they to remit Ye Same home in ye best method thay Can and this meeting will Supply with more money ffor that Sarvice if wanted; and Said John Wanton & Thomas Richardson are desired to Take Ye management of that Affair Uder their Ceare—[106]

Not waiting for this committee to act, the writers of the epistle to London included in their letter a statement of the case and the request that the London Meeting should

[106] *N. E. Yr. M.*, 102.

immediately take up the same with the government.[107] The official communication from the New England Yearly Meeting to the London Friends, by the hand of Thomas Richardson, was dispatched two months later. In it special emphasis was laid upon the sixty pounds which the meeting was then raising to help defray the expenses of an application to the crown.[108]

According to the order of the Yearly Meeting and the promise of Richardson to the London Friends, the three quarterly meetings of New England went systematically to work to raise the sum of sixty pounds agreed upon as a necessary beginning. In its meeting of July 11, 1718, the Rhode Island Quarterly apportioned its thirty pounds among its five monthly meetings, asking Rhode Island to contribute ten pounds, Dartmouth the same, Greenwich three, Providence two and Nantucket five.[109] Dartmouth and Rhode Island, the two meetings which had felt most keenly the weight of the Massachusetts law, each voluntarily contributed an extra forty shillings.[110] While there was somewhat less enthusiasm outside of the bounds of the Rhode Island Quarterly Meeting, by the beginning of 1719 the sum of sixty pounds two shillings and six pence had been collected and was dispatched by Richardson to England.[111] Tho the English Friends had so far failed to answer the earlier letter dated in August, that Richardson, when he consigned the money in January, 1719, begged for some word,[112] later events proved that the Londoners were not idle. In fact the answer of the London Yearly Meeting was already on its way to Massachusetts.[113]

The London Meeting for Sufferings of November 28, 1718, had considered the Yearly Epistle from New Eng-

[107] *N. E. Yr. M.*, 101, 103; *Epistles Rec'd*, II, 239, Epistle from N. E. Yr. M., 1718; *Lond. Yr. M.*, V, 363.

[108] *Letter Book of Thomas Richardson*, II, 158-159.

[109] *R. I. Quart. M.*, 96.

[110] *Ibid.*, 99, 100.

[111] *N. E. Yr. M.*, 104.

[112] *Letter Book of Thomas Richardson*, II, 181-182.

[113] *Epistles Sent*, II, 285, Epistle to N. E. Yr. M., 1718.

land with its account of sufferings and promise to send money for an application to the government, and appointed a committee to consider the situation.[114] The report which was brought in one month later so far assured the meeting of the injustice of the Massachusetts law that an immediate agreement was reached to appeal to the government.[115]

Through the rest of 1718 and the following year this committee was retained on the New England affair, and by May, 1719, had progressed so far as to have read in the Privy Council a petition which it had drawn.[116] As in the previous petitions to the Governor and Council of Massachusetts the Quakers here set forth

> the great hardships they suffer by not paying the Demands of the Priests there [and humbly prayed] in regard the Charter granted to that Colony by King William, Allows a free Exercise and Liberty of Conscience to all subjects that should settle there (except Papists) That His Majesty will Commisserate their Case, and Direct the Governor of said Province to Relieve Them herein.

This petition was referred to the Board of Trade May 26, 1719.[117]

At this point it was suddenly dropped as the result of information given the London Friends by one of the Massachusetts agents. From him the English Friends heard that the local government was contemplating some sort of legislation for the relief of Quakers,[118] and decided that before going farther they would investigate this rumor. A letter was written to New England asking that the matter be looked into; and the Rhode Island Quarterly Meeting responded by sending John Wanton and Thomas Richardson to consult with Thomas Fitch and Jonathan Belcher of the Governor's Council.[119] It was probably at their suggestion that the Rhode Island Quarterly Meeting imme-

[114] *Lond. M. for Sufferings,* XXII, 341-342.

[115] *Ibid.,* XXII, 342, 356; *Epistles Sent,* II, 285.

[116] *Epistles Sent,* II, 295, Epistle to N. E. Yr. M., 1719.

[117] *Acts of the Privy Council,* II, 761.

[118] *Mass. Prov. Laws,* II, 270.

[119] *R. I. Quart. M.,* 104. It is difficult to discover how much Belcher did for the Quakers at this time.

diately voted to send a delegation to the General Court at its opening once more to state the case.[120] This order was approved by the Yearly Meeting[121] and an elaborate petition drawn up which was before the Council on July 21, 1720.[122]

The Council went so far at this time as to appoint a committee "to Consider what may with Justice & due Regard to the Laws of this Province be done for their Ease, And more especially to prevent their being oppressed upon any Distress made upon their Estates," while further discussion was postponed until the following session.[123] In all the House concurred.

While the Council was now ready to be conciliatory, the Assembly was still opposed to any great concessions and the following months were disappointing to the New England Meeting. Wanton and Borden were retained as a committee but repeatedly reported lack of success in Boston.[124] The following year (1721) saw the second appointment in the Council of a committee,[125] which went even farther than its predecessor in suggesting a method for relief of Quakers. Constables or collectors were to be "obliged to take as near as may be the Value of the Sum or Sums assess'd," and in case of seizure of stock and a disagreement concerning the value, after an interval of four days, during which time the charge of keeping was to devolve upon the owner, the assessors of the town were to appraise the same, the constable to accept this decision and return the overplus "after the necessary Charges of Taking & Keeping the same are deducted." Poor compromise tho it was, it savored far too highly of a leniency to-

[120] *R. I. Quart. M.*, 105.

[121] *N. E. Yr. M.*, 108; *Epistles Rec'd*, II, 291, Epistle from N. E. Yr. M., 1720.

[122] *Mass. Prov. Laws*, II, 270.

[123] *Ibid.*, II, 270; *Lond. M. for Sufferings*, XXIII, 78-79.

[124] *R. I. Quart. M.*, 114, 115; *Epistles Rec'd*, II, 312-313, Epistle from N. E. Yr. M., 1721.

[125] *Mass. Prov. Laws*, II, 270.

ward irreligion to find favor in the lower house. The Representatives failed to concur.[126]

At this Dartmouth called a town meeting, voted to assess only that part of the province rate which excluded the one hundred pounds additional, sent an agent to state the case before the General Court and agreed that any troubles to which the selectmen might be put by reason of the town's vote regarding the tax should be met by a town rate.[127] When Dartmouth's petition secured the attention of the General Court on December 26, it was again received favorably by the Council which recommended a discharge of the whole matter if Dartmouth would pay the amount assessd upon her in the previous year; but the lower house, unwilling to concur, allowed the case to run over to the following session.[128]

As a result of Dartmouth's town vote her province rate remained partly uncollected, and in May her assessors, John Akin and Philip Taber, were arrested by the sheriff and carried to Bristol. There they met Joseph Anthony and John Sisson of Tiverton who, as assessors of that town, had had an experience much like that of the Dartmouth men.

The divergent opinion between the Council and House of Representatives which had already manifested itself appeared even more strongly exhibited in the summer of 1723, in a dispute between the two houses, respecting the tax bill for this year. The Council, in considering the petitions from Dartmouth and Tiverton, paid careful attention to technicalities in the laws of 1692 and 1715. The result was an important decision in the case of each town. The laws, so said the Council, directed how ministers should be chosen; viz. either by the church with sanction of the town, or in case they be negligent, then by the general sessions of the peace which should provide and settle

[126] *Mass. Prov. Laws*, II, 270.

[127] Potter, *First Cong. Soc. of New Bedford*, 26; *Mass. Prov. Laws*, II, 271.

[128] *Mass. Prov. Laws*, II, 271.

an orthodox minister. Only after they had done this and found their orders eluded, might they represent the matter to the General Court which should then settle and provide for a minister by assessing a rate additional in the province tax. In applying these laws the Council concluded that it did "not appear That the Sessions of the Peace for the County of Bristol ever appointed and sent a Minister to Tiverton," and until that step should be taken it did not seem to the Council lawful that the General Assembly should appoint a minister as they had attempted to do. In the case of Dartmouth it was discovered that while the town had an orthodox minister he had never made any contract with the town for his maintenance and the General Sessions of the Peace had never made any order on the town for his support, "Nor could they by Law, until the sd Minister had made a Complaint," which he had never done. In view of this decision the Council could not think it right that Dartmouth or Tiverton should be assessed in the coming tax bill beyond what was their proportionate rate with the other towns.[129]

In spite of this decision victory went to the lower house. Just two days later the Representatives were busying themselves over the ministry in Dartmouth and Tiverton. The sum of one hundred pounds was voted to Samuel Hunt of Dartmouth from the province treasury, which sum was to be added to Dartmouth's proportion in the province tax for 1723.[130] Tiverton, still neglectful and refusing to settle an orthodox minister, was to be provided with one by order of the General Court, and his salary of seventy-two pounds and eleven shillings was to be paid and raised in similar manner.[131] With both resolves the Council now concurred, for one of its technical objections to previous measures had been obviated. The House of Representatives in its order placed the execution of the law in both instances upon the justices of the county of

[129] *Mass. Prov. Laws*, II, 271.
[130] *Ibid.*, II, 272; X, 316, ch. 77.
[131] *Ibid.*, II, 272; X, 317, ch. 78.

Bristol; and on the following day passed the tax act of 1723 with its large rates additional on Dartmouth and Tiverton.[132]

In the meantime the court of general sessions had been busy enforcing previous legislation. When this law was passed the Dartmouth and Tiverton assessors had already been in Bristol gaol a month for their failure to assess the province rate for 1722. In fact on the very day that the General Court passed the tax bill for 1723, it was called on to consider two petitions, one from Dartmouth and one from Tiverton, asking that these assessors might be released upon payment of the proportionate rates of those two towns. In both cases the Council voted a hearing on the whole case for the fall session, with the immediate release of the prisoners upon promise to return. Once more the House asserted itself as upon previous occasions and refused to concur.[133] This action upon the part of the lower house proved to be the decisive stroke with the Quakers. For a quarter of a century they had been pouring their woes into the ears of Governor, Council, and House of Representatives. On numerous occasions the governors had shown kindness and made promises; in the last few years the Council had given signal evidence of a desire to concede; but no impression had been made on the representatives of the towns of the province who, in this matter which involved a religious question, showed their provincialism even more strongly than in the consideration of other matters which were of greater concern to the royal governors.

The time for an appeal to England was now ripe. We have traced the close relation between the London and the New England Friends during this period and have seen how much Richard Partridge and his associates had already done, especially in the year 1719, and how the matter had been dropped in anticipation of what the local government might be willing to do. When the Friends of New

[132] *Mass. Prov. Laws*, II, 293, ch. 8.
[133] *Ibid.*, II, 272.

England resolved once more to make application to the crown it was with the determination to send an agent to England, well armed with authority and funds, who should push the matter until some definite result should really be accomplished.

The agent chosen by the New England Yearly Meeting to present the case of the Dartmouth and Tiverton assessors in London was Thomas Richardson of Newport who in the spring of 1723 was making preparations for a voyage to England.[134] Richardson was to explain the whole situation to the London Quakers and urge them to renew their earlier efforts, with the understanding that the New England Yearly Meeting would continue to back them financially in anything which they would undertake.[135]

Richard Partridge of London was no sooner apprised of the further application which the New England Friends were making than he began to take necessary measures. There was certainly no man in England better able, in training and in interests, to carry the wishes of the Massachusetts Quakers before the Privy Council and the Board of Trade, than Richard Partridge. Born and educated in New England, he was well acquainted with the ecclesiastical system of Massachusetts; an important member of the Society of Friends in London, he had the interests of its people at heart. Of the greatest value was his position as a colonial agent, who had for years been dealing with the various branches of the government, especially those which handled colonial affairs. The appreciation which Partridge had of the value and best use of money in bribes and fees, his employment of the right persons and his constant presence on every occasion to see that his case was not allowed to drop:—these were the means by which the Order in Council of June 2, 1724, was gained.

During the entire time when Partidge was at work on the New England affair, he had the constant support of the London Meeting for Sufferings which advanced money

[134] *R. I. Mo. M.*, II, 211, 212.
[135] *N. E. Yr. M.*, 119.

and voted him an able committee to assist with the work.[136] As soon as Thomas Richardson, the New England Quakers' agent, reached England, he was associated with Partridge; but in all matters the latter was leader.

Before Richardson's arrival Partridge had interviewed Chief Justice Weargs for advice as to the best way to proceed[137] and had secured John Sharpe as attorney to prosecute the case. It was Sharpe who drew up the petition and on October 21 succeeded in having it put in the paper of business which the Privy Council was to take up on the following day.

Accordingly it was on October 22 that the petition which Richard Partridge and Thomas Richardson presented, in behalf of the four imprisoned assessors of Dartmouth and Tiverton and also the Quakers in general, was first taken up by the Privy Council and was on that day referred to committee.[138] The details connected with the actions of Partridge and his associates in succeeding months are of value in the light which they throw upon the ways and methods by which the disallowance of colonial legislation was secured. As the case was passed from Privy Council to committee, from committee to the Board of Trade, and from the Board of Trade to the Board's attorney, Richard West, and back again, it was followed ceaselessly by Richard Partridge and Thomas Richardson, the auxiliary committee of the London Meeting for Sufferings, and John Sharpe, the Quakers' lawyer.[139] Richard West in drawing up his opinion summoned Sanderson and

[136] *Lond. M. for Sufferings,* XXIII, 346, 347, 349.

[137] *Moses Brown Papers,* "Papers regarding imprisonment of Quakers."

[138] *Acts of the Privy Council,* III, 58. This famous petition may be found in contemporary manuscript form in the *Mass. Archives, Board of Trade Papers, Moses Brown Papers, Book of Cases.* It has been printed in Backus, *Baptists,* Gough, *Quakers,* Hallowell, *Pioneer Quakers,* and elsewhere.

[139] The important documents belonging to this case are printed in *Mass. Prov. Laws,* II, 273, 277; additional documents of interest are among the *Moses Brown Papers,* entitled "Papers regarding imprisonment of Quakers." See also *Acts of the Privy Council,* III, 58, 59.

Dummer to present the side of the Massachusetts General Court, and Sanderson and Sandford with Bampfield as their attorney appeared on the day of the hearing before the Board of Trade. The journals kept by John Sharpe and Richard Partridge in connection with their accounts of expenditure show just when their presence was most needful to keep their case in the business of the meetings, and at what points it was necessary to pay the largest fees. Before submitting his opinion on the tax act Richard West received four pounds and five shillings. On the eve of the final hearing before the Lords Committee, when only counsel could argue, Partridge paid ten pounds and fifteen shillings each to the attorney and solicitor-general and thirteen pounds two shillings and six pence to Talbot. These methods brought the success on which Partridge was determined. The first report rendered, that of Richard West, on the tax act of 1722 in point of law, was not altogether encouraging. In this act West saw nothing unconstitutional, as nothing upon the face of the act indicated that the additional sums levied upon Dartmouth and Tiverton were for the support of the ministry. The report of the Board of Trade, tho based upon this, was more satisfactory. The tax act of 1723 had been unofficially reported to the Board and the latter was quite ready to take exception to it.

> We think it our duty, [wrote the Lords of Trade] to represent to Your Excelcys that by the Charter granted to the Massachusets Bay, the foundation of this Colony was laid in an absolute & free liberty of conscience for all Christian Inhabitants there, except Papists, But the *Presbyterians* having absolutely the ascendant in the Assembly of this Province, have assum'd to themselves the authority of an established Church, and would compel the Quakers even in the Towns of Dartmouth and Tiverton, where they are infinitely the majority, to pay a large maintenance to Presbyterian Ministers, whom they call Orthodox, for the service of some few Presbyterian Families only.

When the act of 1723 made its official appearance, the Board stood by this statement of opinion and recommended its disallowance. Altho the Lords of Trade were repeating West's legal opinion in replying to the order of the com-

mittee of the Council, this statement was obviously favorable to Quakers. The Lords Committee went one step farther. On the ground that the additional sums were in fact illegal in spite of the act's containing nothing on its face to prove them so, and that the legal taxes of 1722 were now already collected and could not be affected by a disallowance, they recommended that the act be disallowed. During the whole procedure the Massachusetts General Court had made a poor showing. Its agents had been sent no instructions and, not knowing how to proceed, had thrown their efforts into causing a delay. Not until the day of the hearing before the Board of Trade did the General Court take up the matter, at that time ordering instructions sent to the Massachusetts agents in London for the defense of the province; but it is doubtful whether they were ever prepared.

The official arrival of the Massachusetts tax act of 1723, during the course of proceedings, sent Partridge back to the Board of Trade to hurry it on to the Privy Council,[140] but the final Order related only to the earlier act.

This Order in Council of June 2, 1724, was triumphantly reported to the London Meeting for Sufferings of July 3[141] and sent off to New England. Tho the order therefore reached the Lieutenant-Governor of Massachusetts in a roundabout way, it was given full value.[142] Governor and Council ordered the sheriff of Bristol

[140] *Acts of the Privy Council,* III, 59; *Mass. Prov. Laws,* II, 277; Backus, *Baptists,* I, 504; 6 *Mass. Hist. Colls.,* II, 170-171, Sewall's Letter Book.

[141] *London M. for Sufferings,* XXIII, 402.

[142] The Quakers were in too great haste to wait for a delivery by the government as this might mean further delay. It is probable that the order was brought to Rhode Island by Thomas Richardson. It was placed in the hands of "one of the assistants" of Rhode Island who in turn gave it to Charles Church, Sheriff of Bristol County. Church submitted it to the Lieutenant-Governor and received his orders. *Lond. Yr. M.,* VI, 301; 6 *Mass. Hist. Colls.,* II, 171, Sewall's Letter Book; *Moses Brown Papers,* "Papers regarding imprisonment of Quakers;" *Epistles Sent,* II, 378-379.

County[143] to see it carried out; and Joseph Anthony, John Sisson, John Akin and Philip Taber, after an imprisonment of fifteen months, were set free.

This was the literal fulfilment of an order which related only to the tax act and imprisonment of 1722. The bill of 1723, passed in June and definitely stating the reason for the high rate on Dartmouth and Tiverton, had been followed by the imprisonment of delinquent assessors far more speedily than its predecessor. Jacob Taber and Beriah Goddard, assessors of Dartmouth, failed to make the rate on their town.[144] Tiverton had neglected to qualify any assessors whatsoever.[145] In August, when the order came for the release of the prisoners of 1722, the Massachusetts government showed no inclination to be more liberal than necessary. Taber and Goddard had been in Bristol gaol almost nine months,[146] but were obliged to see the others depart without them. Their release which came in November was the result of a petition from Henry Howland, the third of Dartmouth's selectmen, who explained that he was unable to do his duty in making assessments or performing the other functions of his office because of the absence of his colleagues. The committee of the upper house to which the matter was referred returned a significant report.

That whereas His Majtys Royall Pleasure has been lately signified to this Government for remitting the Additional Tax of the same Nature with this withinmentioned laid by the Genll Court upon the Towns of Dartmouth & Tiverton in the Year 1722 & for releasing from Imprisonment

[143]The expenses incurred by Charles Church, sheriff of Bristol County, in committing the assessors of Dartmouth and Tiverton to gaol in the two years 1722 and 1723 amounted to 8 pounds and 7 shillings. In June, 1724, the General Court ordered the general sessions of the peace to take this account into consideration, and in November, 1725, allowed the sum from the province treasury. *Mass. Prov. Laws,* X, 457, ch. 68; 650, ch. 198.

[144]The warrant for the arrest of Taber and Goddard is preserved among the *Moses Brown Papers.*

[145]*Mass. Prov. Laws,* X, 441, ch. 26; 457, ch. 68.

[146]The financial assistance which the Dartmouth Monthly Meeting voted to John Akin and Philip Taber was repeated for Jacob Taber and Beriah Goddard. *Dartmouth Mo. M.,* 183.

the persons committed to Gaoll on the same account on which the persons withinnamed were committed, It may be therefore adviseable for this Court to testify their ready & dutiful Compliance with His Majties declared Will and Pleasure in this Matter, by ordering that the Said Jacob Tabor & Beriah Goddard be released from Imprisonment, Upon the said Tabor & Goddard's paying or giving Sufficient Security to the province Treasurer for the payment of the Sum of £81.12/, laid on the said Town as their proportion of the province Tax for ye year 1723.[147]

In Tiverton further trouble was averted by the failure of the General Court and the Bristol justices to keep a minister in the town for any length of time. Theophilus Pickering who was procured in 1722 was paid in two instalments the seventy-two pounds eleven shillings promised him,[148] but left "after a Years Trial being Discouraged by the preverse and Untractable Temper & Carriage of the Said people."[149] In 1723 the General Court was unable to find anyone.[150] This failure ended the immediate quarrel of the authorities with the town for it was now ordered that the treasurer of the province receive the sum of twenty-seven pounds nine shillings as Tiverton's tax for the year.[151] This was the last attempt which the General Court made to establish or assist orthodoxy in Tiverton. Dartmouth had at least two more grants, one of thirty pounds in 1724 and another in 1725, but these sums were not added to the province tax.[152]

The Quakers and Baptists had won their case. There was no further attempt by the General Court to add ministerial rates to a town's province tax. The next efforts of the dissenters were directed toward procuring laws which should make it unnecessary to pay ministerial charges even when they were, as normally, a part of the town rate.

[147] *Mass. Prov. Laws,* X, 498, ch. 191; *Lond. Yr. M.,* VI, 299; *Lond. M. for Sufferings,* XXIII, 437-438.

[148] *Mass. Prov. Laws,* X, 387, ch. 308.

[149] *Ibid.,* X, 458, ch. 69.

[150] *Ibid.,* X, 317, ch. 78; 387, ch. 308.

[151] *Ibid.,* X, 458, ch. 69.

[152] *Ibid.,* X, 541, ch. 311; 598, ch. 62.

Thomas Richardson, returning to New England soon after the important June 2, when the Order in Council was secured, carried with him the large bills of expense which he and Partridge had been obliged to incur in pursuing their object. The total amount was one hundred fifty-eight pounds fifteen shillings and five pence.[153] Richard Partridge soon afterwards wrote that if further solicitations in England were desired more funds would be needed.[154]

In succeeding months the General Court, altho the Order in Council was obeyed, and even the prisoners of 1723 discharged, was not inclined to go farther with the laws which the Quakers demanded. As a result the former troubles continued. The ministerial rate was assessed with the town charges and the constable was under obligation to collect, distrain, or imprison as need be. Especially in the vicinity of Dartmouth, where the recent success of the Quakers had caused much feeling, difficulty was inevitable and the old question between the land owners of the Elizabeth Islands and the town of Chilmark was revived. Peleg Slocum and John Tucker, whose case had been carried to the Assembly seven years before, were again under the law. Upon their failure to pay a rate for building a meeting house in Chilmark, John Mayhew, constable of the town, seized eighty sheep belonging to Slocum and a horse and a heifer which were the property of Tucker. The sheep sold for seven pounds more than the demand, and Tucker's property for five pounds in excess, so that the usual complaint of exorbitant distraint was entered.[155] A rumor of this incident reaching the Rhode

[153]The largest item, John Sharpe's account, was 57 pounds 3 shillings 3 pence toward which Partridge had paid 15 pounds 15 shillings in April, leaving a balance of 41 pounds 8 shillings 3 pence. To the Clerk of the Council had been owing 30 pounds 8 shillings 6 pence. The rest was due Partridge. The New England Yearly Meeting had already paid 91 pounds 18 shillings 11 pence, and the London Friends 20 pounds 17 shillings 9 pence, leaving only the small remainder of 4 pounds 10 shillings 6 pence. *Moses Brown Papers.*

[154]*R. I. Quart. M.*, 139.

[155]*Dartmouth Mo. M.*, 182-183.

Island Quarterly Meeting, it was ordered immediately, that an exact account of the matter be prepared, as agitation was already beginning for another mighty effort to be released from the "oppression of Prebyterian &c. Priests."[156]

This was the situation confronting the Yearly Meeting when in June, 1725, it met at Newport. Thanks were first of all voted to the London Friends whose energy had secured the Order in Council of the previous year with the added request that they return the New England Meeting's hearty acknowledgment to the King for this favor.[157] In considering sufferings, "all on Accott of Priests Rates and building their Meeting hous at Chilmark," it was agreed that the London Friends had been so much more successful than the petitioners at Boston that the account of this situation, no more trivial than the troubles of Akin and Taber, should be sent to England. But in the message which John Wanton and Thomas Richardson were requested to send to Richard Partridge, they were to state that if money was needed for further solicitation, as he had warned them it would be, he was to take it on interest until the Yearly Meeting could make him a remittance.

Experience had shown the New Englanders that progress through the various bodies in England dealing with British colonial government was so slow that, if immediate relief was to be gained, it must be through the authorities at Boston. Accordingly another committee was asked to travel to Boston as speedily as possible, apply to the General Court, and report their success to John Wanton and Thomas Richardson that it might be included in the letter to Partridge.[158]

Results were not so gratifying as to deter the English Quakers from complying with the request of the Dartmouth Friends. On the second of September, just three months after the Yearly Meeting had sent its message, and

[156] *R. I. Quart. M.*, 138.
[157] *Epistles Rec'd*, II, 378, Epistle from N. E. Yr. M., 1725.
[158] *N. E. Yr. M.*, 122.

four days after the London Meeting for Sufferings had made him head of a committee,[159] Partridge was again before the Privy Council. On this day the register records reference to committee of the

petition of Richard Partridge on behalf of Peleg Slocum, John Tucker, and other Quakers, inhabitants of Massachusetts Bay,] who are under Severe Sufferings for Conscience Sake, praying the Repeal of such Laws past in that Province as Directly or Consequently affect the Liberties, Properties, Religion or Consciences of His Majestys Protestant Subjects in the said Province, etc.[160]

The fate of this petition was not due to lack of funds[161]

[159] *Lond. M. for Sufferings,* XXVI, 22-23.

[160] *Acts of the Privy Council,* III, 121.

[161] The money which the New England Yearly Meeting of 1725 told Richard Partridge to take on interest until it could be raised in New England Partridge advanced himself, and by June, 1725, the New England collectors had sent him 120 pounds. As more was still needed the New England Yearly Meeting of 1726 voted 150 pounds additional which was apportioned, 100 pounds to Rhode Island Quarterly, 20 pounds to Sandwich and Scituate, and 30 pounds to Salem. *N. E. Yr. M.,* 125, 127; *Dartmouth Mo. M.,* 185, 189; *Epistles Rec'd,* II, 386, Epistle from N. E. Yr. M., 1726. The money was assessed by the several quarterly meetings on their monthly meetings and by the latter upon the weekly meetings. *R. I. Quart. M.,* 144.

A little later someone conceived the idea of making a generous gift in money to Partridge to express the appreciation of the New England Yearly Meeting. The idea was adopted at the Yearly Meeting of 1728 which also apportioned the sum on the quarterly meetings, the latter continuing the method as before. *N. E. Yr. M.,* 132. The amount (60 pounds) was assessed as follows:—

R. I. Quart., £40	R. I. Mo.	£24	
	Dartmouth	£10	
	Nantucket	£6	
	Providence	0	omitted because not affected by Massachusetts law.
	Greenwich	0	
Sandwich & Scituate £8	Sandwich Mo.	£5 5/	
	Scituate	£2 15/	
Salem £12	Salem Mo.	£5	
	Hampton & Amesbury	£3 10/	
	Dover	£3 10/	

It was all reported paid by June, 1729. *N. E. Yr. M.,* 135, 136; *Mo. M. Book of Scituate, Marshfield and Duxbury,* 59; *R. I. Quart. M.,* 154-155; *Sandwich Mo. M.,* 127; *Salem Quart. M.,* II, 7; *Salem Mo. M.,* 88 b.

or of interest[162] or even Quaker influence, but to the political situation in England. In the London epistle to Rhode Island of September, 1726, the London Quakers wrote:

As to ye Sufferings ffriends are still under in the Massacusets Government on account of Priests maintenance, there has been some steps taken in Order to obtain a more General Ease, in that Case, which at present lyes for a more suitable Opportunity to prosecute it in, and then we hope ye Necessary care will not be neglected.[163]

A year later they were still saying that "the present state of publick affairs will not allow us to move for anything of this Nature."[164] The end of George I's reign had come very inopportunely for the Quakers. Since 1723 a change had come over the British Board of Trade in the appointment of the Duke of Newcastle as Secretary of State, for his assumption of control in colonial affairs was removing authority from the Board. In spite of the close relation between the Quaker body and both Walpole and Newcastle, it was impossible to accomplish anything during the stress of circumstances attending the close of George II's reign, as the Whig leaders were engaged in the vital issue of maintaining control of the government.

The failure of the London Meeting to succeed with the petition of 1725-1727 turned responsibility back upon the New England Yearly Meeting, altho it was known that the London Meeting planned to renew its application when a suitable season appeared.[165] Sufferings in Massachusetts continued[166] and resulted in the further work of Joseph Wanton and Richard Borden before the General Court.[167] Funds for their work were voted by the Yearly Meeting[168]

[162]The London Meeting for Sufferings listened to the report of progress which Partridge submitted on September 3, 1725, the day following his visit to the Council, and brought the matter up at each meeting through the five following weeks. *Lond. M. for Sufferings,* XXIV, 23, 24, 26, 28, 29, 31; *Epistles Sent,* II, 392. See also *N. E. Yr. M.,* 130, Epistle to London, 1727.

[163]*Epistles Sent,* II, 399-400, Epistle to N. E. Yr. M., 1727.

[164]*Ibid.,* II, 416, Epistle to N. E. Yr. M., 1727.

[165]*N. E. Yr. M.,* 133-134, Epistle to London, 1728.

[166]*Salem Quart. M.,* II, 3; *R. I. Quart. M.,* 153.

[167]*R. I. Quart. M.,* 153.

[168]*N. E. Yr. M.,* 131-132.

and their efforts were suddenly crowned by the passage of the law of June 20, 1728.[169] After a preamble which cites the fact that application had frequently been made to the court in behalf of these people who refused to pay taxes for the support of the ministry, "alledging a scruple of conscience for such their refusal," the law stated that hereafter any belonging to a society of Anabaptists or Quakers should be exempt from having their "polls" taxed for such an object, "nor shall their bod(*ie*)(y)s be at any time taken in execution to satisfy any such ministerial rate or tax assess'd upon their estates or faculty," provided such persons were in the habit of attending their own meeting on the Lord's day and lived within five miles of a place of worship. Of the Quakers, whose opinions the orthodox were likely to regard with suspicion, a declaration of fidelity and belief in the Trinity and divine inspiration of the Scriptures was demanded, to be given before the court of general sessions. To discover who these Anabaptists and Quakers might be, some one of one denomination or the other, appointed by the justices in each county, was to bring annually to the court of general sessions a list of persons professing themselves to be Anabaptist or Quaker and in the habit of attending meeting, these lists to be submitted by the clerk of the peace to the assessors of each town or precinct. Upon all not exempt the assessors were ordered to levy the rate, and only they who paid the tax for support of orthodox religion could vote in any matter relating to the ministry of the town. The act was to be in force for five years.[170]

The inclusion of Baptists as well as Quakers in the exemption law of 1728 is suggestive of the close connection between the two sects in Massachusetts. While the Baptist teachings, particularly in those Baptist sects which

[169]The Baptists and Quakers seem to have ignored entirely the law passed December 19, 1727, in favor of the Church of England, by which the ministerial taxes taken from Churchmen were to be paid over to their own clergymen. Such an arrangement was entirely distasteful to the opponents of an "hireling ministry," like the Quakers.

[170]*Mass. Prov. Laws*, II, 494, ch. 4.

were Calvinistic, resembled Congregational far more than Quaker doctrine, theology was not the point at issue. Some of the Baptists, like the Quakers, disapproved of a paid ministry; others were opposed to public taxation for the ministry even when the money was made over to a Baptist preacher; all refused to submit to taxation for the support of a sect to which they did not belong. As they were far less numerous in Massachusetts than the Quakers and lacked entirely the centralized organization of the Friends, their early work was unsystematic and their appeals came only from small and scattered groups. In general they were willing to let the Quaker body assume responsibility, standing with them when occasion offered. Their discomforts were no less than the Quakers', as the extant records show, and in the famous case of 1723, when the Dartmouth and Tiverton town officers were imprisoned, two were Baptists and two Quakers.

While there were scattered Baptists of one sort or another in most of the towns where Quakerism flourished the only well organized church outside of Boston, whose existence was recognized in the period under discussion, was the one at Swansea. Such complaints as reached the Massachusetts government directly from Baptists came from this group; but because of the special dispensations which were made in favor of Baptists living in the town itself, these complaints usually originated with the members of the Swansea church who belonged to neighboring villages. Most determined in their efforts to resist ministerial taxes were the Baptists in the near-by town of Rehoboth who felt the weight of the law when they tried to ally themselves with the group at Swansea. They appealed to the governor on more than one occasion in Dudley's time, seeing the cordiality with which he met Quaker petitions,[171] and in 1715, after his removal, they sent an account of their difficulties to the King through the agency of the S. P. G.[172] At the time of the arrest of

[171] *Mass. Archives*, XI, 223, 388.

[172] *S. P. G. Papers*, B I, No. 169.

the Dartmouth and Tiverton assessors, Elder Ephraim Wheaton of Rehoboth and Thomas Hollis of London were in correspondence in regard to the taxes imposed and Hollis showed a willingness to take some active measures in the affair.[173] The work of these Baptists was sufficient to keep their difficulties in view, and the legislation of 1728 included Baptists as well as Quakers in the exemption granted.

This was the first law made in Massachusetts which in any way exempted these two sects from the financial oppression of the ecclesiastical legislation. Such as it was it went into effect.[174] How little relief it afforded the unhappy dissenters may be seen in their further action. No expression of gratitude came from the next Yearly Meeting at Newport and no change appears in the general condition of the two sects; the dissenters found the system too bungling to be practicable, and the five mile limit upset the whole affair for many of them.[175] The general opinion found expression in the words of the Rhode Island Quarterly Meeting which met in the following month and agreed that "the Assembly last Seting in Boston have done little or Nothing for the case of Sufferings ffds," and again asked Joseph Wanton and Richard Borden

> to continue their Endevours with the Authority there, for a discharge from these Sufferings they are under and if not Obtain'd to collect those papers & Coppyes which may be propper to be Sent to our ffriends in England which may Enable them the better to seek for Releif there and bring the charge thereof to Our Next Quarterly Meeting.[176]

At the end of three months Wanton and Borden had spent eleven pounds and sixteen shillings but had no encouragement to offer and at the end of a half year had "not pro-

[173]Wheaton to Hollis, 13 March, 1723, quoted in Backus, *Baptists*, I, 509-510.

[174]Several orders of Bristol sessions relating to the making of lists under this law appear in the records. *Bristol Sessions*, III B, 109, 126.

[175]Backus, *Baptists*, I, 518-519. Such as it was it deterred the London Quakers from further application to the government. *Lond. M. for Sufferings*, XXIV, 231.

[176]*R. I. Quart. M.*, 154; *Sandwich Mo. M.*, 127; *Diary of John Comer*, 62; *R. I. Quart. M.*, 160; *Salem Quart. M.*, II, 7; *N. E. Yr. M.*, 136.

ceeded any farder with the Assembly at Boston on behalf of Suffering ffriends."[177] In spite of this they were continued by the Yearly Meeting[178] and through their work further legislation was produced.

This second law, secured like the first one by the efforts of a committee, backed by the Yearly and the quarterly meetings, was passed December 20, 1729. The preamble explained that by the preceding act the polls only of Anabaptists and Quakers were exempted from charge in the support of the ministers of the churches by law established, and the law now ordered that the estates, real and personal, of such Anabaptists and Quakers should be exempt from taxation for the support of ministers. A proviso, occasioned by the troubles at Chilmark, at the same time made it clear that no person was to be freed from the charge toward building any meeting house when the assessment had already been made. This law was enacted for three years and a half.[179]

While this legislation seemed more favorable to the dissenters than that of the preceding year, it came little nearer to solving their difficulties on account of its rigid limitation.[180] Among some of the Quakers there was a distinct aversion to taking advantage of the privilege offered by this or the preceding legislation, on the ground that exemption was not liberty.[181] Troubles continued which were reported to the Yearly Meeting in the following summer.[182] The result of these reports was a further appointment of John Wanton and Thomas Richardson to send the accounts of sufferings to England with an appeal that the English Friends renew their endeavors, while Joseph

[177] *R. I. Quart. M.*, 156, 157.

[178] *N. E. Yr. M.*, 136, 137.

[179] *Mass. Prov. Laws*, II, 543, ch. 6; Backus, *Baptists*, I, 519.

[180] This legislation was described by the Quakers as "something tending to our ease but not fully in Such Manner as ffriends can Accept." *N. E. Yr. M.*, 142.

[181] *Bristol Sessions*, III B, 146, 147.

[182] *N. E. Yr. M.*, 139, 140.

Wanton and Richard Borden were ordered to give any possible assistance.[183]

This last vote of the New England Yearly Meeting to apply for help from the London Friends was made unnecessary by the appointment of Jonathan Belcher as Governor of Massachusetts. The basis of Belcher's kindness toward Quakers was not, as in Dudley's case, that larger policy of colonial control toward which each question as it appeared was forced to bend. Succeeding governors had been on the whole neutral, leaving matters to their councils, which as the years passed showed growing leniency, opposed only by the lower house. With the coming of Belcher the weight of the governor was thrown heavily on the side of the Quakers. The family connection between Belcher and Richard Partridge was the primary cause for Belcher's interest in the Quakers and had been the means of his making many friends among that body in England.[184] Their wealth, organized power and political influence with the Whig leaders he had recognized and, looking into the future, saw the possibility of securing the support of the whole organization by assuming the cause of the local meetings in his province.[185] Just before leaving England he received a delegation of prominent English Friends sent to him by the London Meeting for Sufferings to solicit his support for the New England Quakers.[186]

Jonathan Belcher's opening speech to the Assembly, while not making special reference to Quakers, recommended that they "imitate the Royal Indulgence of our

[183] *N. E. Yr. M.*, 140.

[184] J. Belcher to J. Belcher Jr., 12 Aug., 1732, 6 *Mass. Hist. Colls.*, VI, 164; same to same, 12 Nov., 1740, *ibid.*, VII, 523-524. The Belcher Papers contain a good deal of correspondence between Belcher and English Quakers; the names which most often appear are those of Richard Partridge, John Gurney and Thomas Hyam. Richard Partridge was Jonathan Belcher's brother-in-law.

[185] J. Belcher to Rip Van Dam, 11 Oct., 1731. 6 *Mass. Hist. Colls.*, VI, 451; J. Belcher to F. Harrison, 15 Nov., 1731, *ibid.*, VI, 455; J. Belcher to R. Partridge, 30 Oct., 1739, *Ibid.*, VII, 236.

[186] *Lond. M. for Sufferings*, XXIV, 352, 356.

gracious Sovereign, that none of our Laws may carry in them a Spirit of Rigour or Severity towards those who consciently differ from us in the modes of divine worship."[187] Among the New England Friends Belcher's reputation had preceded him and his coming was looked upon with delight.[188] He had not been in the province two months when almost simultaneously two of the quarterly meetings determined to address him in behalf of the Friends, while one of the monthly meetings took steps to show a personal allegiance at the expense of its loyalty to the Assembly. It was Dartmouth which signed a paper to be sent to Belcher "signifying our willingness to Comply with giving him his Salary according to the King's Instructions."[189] In the meantime the Sandwich Quarterly Meeting appointed two of its members to write and sign a paper in behalf of Friends for Belcher's inspection,[190] and the Rhode Islanders, meeting a few days later, once more charged Joseph Wanton and Richard Borden with their earlier duty.

> Sinc Governer Belcher is arrived to the Government of the Massechusets, [runs their record,] and that while he was agent in London he Manifested An Inclination to discharge ffriends from Persecution on Account of Priests Rates It is thought propper for ffriends to Apply to him to see what Releif can be had Our ffriends Joseph Wanton & Richard Borden are therefore desired Either to goe or Wright to Sd Governer Belcher on that Account.[191]

Not until they were reminded of this duty at the next Quarterly Meeting did Wanton and Borden set to work;[192] but in the winter or early spring they obeyed the order, and were ready to report at the Yearly Meeting in June that they had found some encouragement from the new governor. Still nothing had been done yet and conditions

[187] *Pubs. of the Col. Soc. of Mass.*, Vol. I. *Transactions*, "Note on Quakers" by A. C. Goodell, 143; Palfrey, *New England*, IV, 534.

[188] *Dairy of Z Collins*, 17.

[189] *Dartmouth Mo. M.*, 222.

[190] *Sandwich Quart. M.*, 22.

[191] *R. I. Quart. M.*, 171.

[192] *Ibid.*, 171.

were far from satisfactory.[193] While Sandwich this year reported "Ease with respect to Priests Rates," Rhode Island submitted an account of twenty-three pounds and seventeen shillings from the Rochester Friends for "Priests Rats," and Salem brought in the report from Kittery of ten pounds seventeen shilling and six pence.[194] As a result the Yearly Meeting continued the appointment of Joseph Wanton and Richard Borden, desiring them "to make farder Application."[195] It was now generally agreed that, since the Massachusetts governor had expressed himself as a friend to Quakers, the New England Meeting would no longer need to trouble Friends at home.[196] The London Meeting for Sufferings readily agreed to discontinue the "New England affair."[197]

The direct result of the appeals of the committee appointed and financed by the Yearly Meeting of 1731 was the law of December 24 of the same year. Belcher, writing to Partridge just before the opening of the fall session, said:

> The Assembly sits here again this week, and you may depend on every thing in my power for the relief of the Quakers, and I think I shall be able to get a bill past that will be pleasing. The Quakers are very sensible of my readiness & sincerity to serve them.[198]

On December 2 he addressed the Assembly referring to his earlier speech and spoke of the repeated applications which the Quakers were making.

> They are Generally, [said he,] a Sett of Vertuous and inoffensive people and good members of the Common Wealth and their Friends in England are a great Body of men, and esteemed as well as attached to His Majesty and His Royal House as any of the best of his Subjects; I would therefore upon all these Considerations think it an Instance of your prudence and Wisdom to pass Some further Law for their Quiet and ease.[199]

[193]For conditions in Bristol county at this time see *Bristol Sessions,* III B, 160.

[194]*N. E. Yr. M.,* 142.

[195]*Ibid.,* 143. The sum of 30 pounds was voted for the necessary expenses. *Salem Mo. M.,* 93.

[196]*N. E. Yr. M.,* 144, Epistle to London, 1731; *Lond. Yr. M.,* VII, 331.

[197]*Lond. M. for Sufferings,* XXV, 40.

[198]J. Belcher to R. Partridge, 1 Nov., 1731, 6 *Mass. Hist. Colls,* VI, 37.

[199]*Mass Prov. Laws,* II, 635.

A few days later, when writing to Partridge, Belcher enclosed a copy of this speech with the comment,

"You'll see by my speech inclosed that I am leading the Assembly to the ease of your Friends, and I have reason to believe by the influence I have on many of the members that a good bill will be past before the Court rises."[200]

The bill was passed December 24, 1731. In the preamble it was expressly stated that the Quakers had been complaining of the difficulties in complying with the acts already made for their relief and had been making frequent applications to the court for redress. Its special provision of importance, occasioned by the difficulties met under the special certificate system described in the two preceding laws, was the new method for indicating who might be of the Quaker persuasion. The assessors of any town where Quakers were found or owned land, were annually to make a list of all such persons and give it to the town clerk to be entered in the town records and handed out at six pence a copy to any Quaker desiring to own one. If a Quaker found his name omitted he was to inform the assessors in writing, his statement certified by two of the principal members of his society, appointed by the society for that special purpose. All such were to be exempt from the payment of any taxes whatsoever for the support of the ministry or for building meeting houses.[201] This explicit wording was to correct the troubles which the Quakers had suffered since 1728 and 1729. While exempt from certain rates, if once able to prove himself to be a Quaker living within five miles of a place of meeting, the Massachusetts Friend had found it was not easy to establish his identity, for advantage was taken of every technicality. The enforcement of this law for five years would prove whether this new method of exemption was practicable.

In the passage of this bill Belcher's influence had been important[202] and the results were gratifying. The lower

[200] J. Belcher to R. Partridge, 7 Dec., 1731, 6 *Mass. Hist Colls.*, VI, 82.

[201] *Mass. Prov. Laws*, II, 619, ch. 11.

[202] J. Belcher to R. Partridge, 3 Jan., 1731/32, 6 *Mass. Hist. Colls.*, VI, 94.

house had made it no small work for the governor, but the satisfaction of the Quakers and their allegiance to Belcher in after years were the reward. This Belcher frankly anticipated, expressing himself to Partridge in a letter as early as January 3, 1731/32.[203] He also confided to his son Jonathan the hope that the New England Yearly Meeting would present an address to the King in his behalf.[204]

In this hope Belcher was disappointed, altho the New England Friends had much to say in his favor. The Yearly Meeting of 1732, the last which ever recorded "sufferings for priests rates," attributed the new law to Belcher[205] and repeated recognition of his influence in the London epistles of the next three years.[206] The Yearly Meeting of 1732 voted that

> An Acknowledgment be Rendered to the general Assembly for what ffavour they have Shown us & in a perticuler Manner to Governer Belcher who we understand has been candid in his Endevours on friends behalf and also to Acquaint Richard Partridge of the Governers ffavour therein.[207]

The delegation which presented this acknowledgment met a kind reception and found the governor "Pleased to Signifie his Intentions of ffuture Kindness as it might fall with in his Power."[208]

The news from New England was quickly reported by Richard Partridge to the London Meeting for Sufferings which was instructed by the Yearly Meeting to "write to Such Persons in yt Government as have been Instrumental in Procureing this Great favour and to make such Gratefull acknowledgments of their kindness in this Respect as

[203] J. Belcher to R. Partridge, 27 Apr., 1732. 6 *Mass. Hist. Colls.*, VI, 123.

[204] J. Belcher to J. Belcher Jr., 28 Apr., 1732, 6 *Mass. Hist. Colls.*, VI, 125.

[205] *Epistles Rec'd*, II, 477, Epistle from N. E. Yr. M., 1732; *Lond. M. for Sufferings*, XXV, 246-247.

[206] *Epistles Rec'd*, II, 488-489, 497, 506.

[207] *N. E. Yr. M.*, 145-146.

[208] *Ibid.*, 148.

they shall think proper."[209] Although Belcher was disappointed that no representation in his favor was sent to the King by either the New England Yearly Meeting or the London Meeting for Sufferings, he made the most of their memorials to himself.[210]

Outside of the Quaker body the result of the law of 1731 was to arouse both the Baptists and the Anglicans of the province. The law of 1731, unlike those which preceded it in 1728 and 1729, was limited to the Quaker sect and did not include Baptists. As the law of 1729 expired in 1733 and nothing had succeeded it regarding Baptists, advantage was immediately taken of this fact. A number of Baptists in Bristol County were taxed for ministerial rates and some even imprisoned for non-payment.[211] Upon application to the legislature they were released and a law made for the Baptists similar to that of 1731 for Quakers. This law, passed July 4, 1734, repeated the Quaker legislation of the earlier year with the added proviso that the act should not extend to new towns granted with the customary condition of settling an orthodox minister and erecting a meeting house, until these things had been accomplished.[212] This law was practically reenacted on June 30, 1740, for seven years.[213]

In the meantime the Quaker law of 1731 had started a commotion in the Episcopal camp, as the adherents to the Church of England, tho they were the first sect to gain some exemption, had made no advances since 1727 and were under greater disabilities in 1731 than either the Quakers or Baptists. Immediately after Belcher's speech to the as-

[209] *Lond. M. for Sufferings,* XXV, 155. The success of Massachusetts made a profound impression upon the English Quakers on account of the resistance which they were making to payment of tithes. *Papers relating to the Quakers Tythe Bill,* 5.

[210] J. Belcher to [T.] Richardson, 14 Aug., 1732, 6 *Mass. Hist. Colls.,* VI, 481; J. Belcher to J. Belcher Jr., 18 Sept., 1732, *ibid.,* VI, 182; J. Belcher to R. Partridge, 21 May, 1734, *ibid.,* VI, 462.

[211] Backus, *Baptists,* II, 30.

[212] *Mass. Prov. Laws,* II, 714, ch. 6.

[213] *Ibid.,* II, 1021, ch. 6; Backus, *Baptists,* II, 34.

sembly of December 2 and the appointment by the lower house of a committee to prepare a draught of a bill for the relief of the Quakers, came a memorial from Roger Price of King's Chapel to the Governor, Council and House of Representatives. In it Price called attention to the fact that the members of the Church of England suffered the same difficulties and discouragements as the Quakers, as they were not exempted from taxes for the Congregational minister unless living within five miles of a church and not even then if the church lay outside of the province, and had suffered both distraint and imprisonment.[214] Belcher, upon viewing this memorial, appeared sympathetic and promised his interest, and a joint committee of the two houses was appointed to take it into consideration. In spite of this the case of the Anglicans was allowed to slide and the officials of King's Chapel and Christ Church, seeing the Quaker law was about to pass, decided to raise a sum of money and apply to the crown for its disallowance.[215] The churchmen were so far successful that the answer from the Privy Council, dated February 2, 1736, stated that only the fact that it was a temporary law, about to expire, prevented the Lords Justices from asking for its repeal. This statement was made on the ground that, as the charter of Massachusetts granted a liberty of conscience to all Christians except Papists, consequently such exemption ought not to have been limited to any one sect, but extended to all Protestants. Since the act was so near expiration it did not seem necessary to call for its repeal, but to prevent a renewal or the passage of similar acts it was recommended that an additional instruction be prepared for the governor to forbid him to give his assent to any such law unless the exemption be made general. The Board of Trade was accordingly directed to prepare such an instruction for Belcher.[216]

[214] Perry, *Ch. Docs., Mass.*, 272-273.

[215] Updike, *Narragansett Church*, II, 504-505.

[216] *Pubs. of the Col. Soc. of Mass.*, Vol. I. *Transactions*, "Note on Quakers" by A. C. Goodell, 143; *Mass. Prov. Laws*, II, 635; *Acts of the Privy Council*, III, 491-492; Foote, *Annals of King's Chapel*, 442 *et seq.*

The result of this order and the instruction to Belcher was not the cessation of Quaker legislation but the alternative mentioned in the report of the Lords Committee. Already, on July 4, 1734, the Baptists had won their cause and a year later a law had been made which exempted the polls and the estates of the Episcopalians for five years. It was far from satisfactory but its passage gave Belcher the right to listen to the next appeals which came from his friends the Quakers. The Yearly Meeting of 1736, foreseeing that the law of 1731 was about to expire, decided to speak for its renewal with the possibility of greater concessions, and appointed a committee to attend the General Court.[217] The result of their work was the law of June 28, 1737, which practically renewed the legislation of 1731 for ten years.[218] Corresponding legislation for the Baptists was obtained in 1740.[219] Altho the Friends had hoped for a greater satisfaction at this time they were forced to admit that the old inconveniences were no longer troublesome.[220]

While making this confession the Yearly Meeting of 1738 failed to vote Governor Belcher the expression of appreciation which he was expecting. This omission came at an awkward moment in his affairs for he was growing more and more certain that his removal was approaching and was gathering together all possible elements which might support him.[221] Of great importance among these were the English Quakers to whom he wrote asking that they would use their influence with Walpole and the Duke of Newcastle to have him retained as governor of Massachusetts.[222] A petition presented in his behalf by Richard

[217] *N. E. Yr. M.*, 159, 163, 165; *Epistles Rec'd*, II, 543.

[218] *Mass. Prov. Laws*, II, 876, ch. 6.

[219] *Mass. Prov. Laws*, II, 1021, ch. 6.

[220] *N. E. Yr. M.*, 168, Epistle to London, 1738.

[221] There was apparently at this time a certain coolness toward Belcher among the New England Quakers which was reflected in the London Meeting for Sufferings. *Diary of Z. Collins*, 10 Nov., 1737; *R. I. Quart. M.*, 198; *Lond. M. for Sufferings*, XXVI, 324, 354; XXVII, 34-35.

[222] J. Belcher to R. Partidge, 15 Jan., 1739/40, 6 *Mass. Hist. Colls.*, VII, 262.

Partridge in January, 1739/40, referred to the work he had done for the Quakers of Massachusetts.[223] In recognititon of these services of the English Friends, which tided the matter over for another year, Belcher sent a memorial of thanks "To my GOOD & WORTHY FRIENDS, the people call'd QUAKERS, in Gt Britain," dated May 9, 1740, which speaks of "the great respect & friendship you have manifested to me upon the many efforts my enemies have been making to have the comissns I have the honour to hold superseded." "I shall take all occasions," wrote Belcher, "to return the late kind offices you have acted towds me in evry reasona way & manner yt can be desired or expected."[224] In private letters likewise to London Friends Belcher expressed himself strongly in this same strain,[225] placing in the Quakers such confidence as later events failed somewhat to justify.[226] An application in the autumn of 1740 failed to secure what Belcher had hoped for[227] and he was superseded in the following year. In spite of their failure Belcher never lost regard for this body of people.[228]

[223]*Mass. Prov. Laws,* II, 636.

[224]6 *Mass. Hist. Colls.,* VII, 505.

[225]J. Belcher to R. Partidge, 1 May, 1740, 6 *Mass. Hist. Colls.,* VII, 284; same to same, 7 May, 1740, *ibid.,* VII, 284; J. Belcher to Bubb Dodington, 8 May, 1740, *ibid.,* VII, 295-297; J. Belcher to [T.] Hyam and J. Gurney, 9 May, 1740, *ibid.,* VII, 505. To his son Belcher wrote (19 May, 1740) "I can't enough express my gratitude for his [Richard Partridge's] great & unwearied care, vigilance & fidelity to my interest & service. Such a friend is worth the name of one & my heart is fir'd with gratitude to the whole body of Quakers who have at this juncture given such signal proof of their sincerity to serve me at a time when I so much wanted their interest & friendship." *Ibid.,* VII, 301.

[226]"I really beleive an earnest letter sign'd by Mr. Gurney, Hyam & some other of your principal Friends & directed to Sr. Rob could still secure me in both provinces." J. Belcher to R. Partridge, 20 May, 1740, 6 *Mass. Hist. Colls.,* VII, 507; J. Belcher to [T.] Hyam, 25 Oct., 1740, *ibid.,* VII, 522.

[227]J. Belcher to R. Partridge, 26 Jan., 1740/41, 6 *Mass. Hist. Colls.,* VII, 363; J. Belcher to J. Belcher Jr., 27 Jan., 1740/41, *ibid.,* VII, 366-367.

[228]J. Belcher to R. Partridge, 7 May, 1741, 6 *Mass. Hist. Colls.,* VII, 382; same to same, 31 Aug., 1741, *ibid.,* VII, 546; J. Belcher to J. Belcher

The progress made by the Quakers of Massachusetts in securing exemption from the ecclesiastical laws of the province falls into three distinct periods:— from the beginning to 1718; 1718 to 1730; 1730 to 1740. 1. In the first of these periods the various local meetings of New England were busy with the collection of sufferings and with numerous petitions to governor and council, constantly reporting their progress to the London Yearly Meeting. The English Quakers paid careful attention to these reports, studied Massachusetts legislation and took certain measures to secure relief for the New England Friends. During this time, however, they were not pushing this case with the Board of Trade and the Privy Council. 2. In 1718 the London Meeting for Sufferings, now informed of the existence of a fund in the treasury of the New England Yearly Meeting to support a Quaker protest in England, determined to address the King in Council on Massachusetts affairs, and from then until 1730 was almost constantly before the government upon this business. A temporary pause was made in 1719 when the rumor was circulated that the Massachusetts General Court was about to pass a law favoring Quakers; but in 1723-1724 the test case of the Dartmouth and Tiverton assessors was pushed to a successful conclusion. A further petition (1725-1727) failed to secure attention because of the stress of the political situation in England, coming as it did just at the close of George I's reign. 3. In 1730 the London Meeting agreed not to pursue the matter further as a governor favorable to the Quakers had reached Massachusetts. From that time on the contest was in Boston and was finally won through Belcher's influence.

While Belcher's work for the Quaker cause was important, the result would have been impossible without the great change which had come over both houses of the Gen-

Jr., 17 June, 1741, *ibid.*, VII, 542. Belcher's late appointment as governor of New Jersey has been attributed to the work of the English Quakers. Palfrey, *New England,* IV, 562, note.

eral Court since 1700. The Council had first grown more liberal, far less provincial as it always was than the lower house; and in later years the representatives had been forced into line by authoritative messages from England. The royal disallowance of a law had to receive recognition; and it was useless to pass further legislation which would suffer similar treatment. In relation to an ecclesiastical question the opinions of crown officials were consistent with the general policy of imperial control. The General Court of Massachusetts had been resisting imperial authority, and the case of the Quakers was decided in 1724 at the cost of the Massachusetts assembly. Such had been the policy of Joseph Dudley as the exponent of the imperial system. While he was, on the whole, anxious to suppress unruly religious elements, he was distinctly favorable to the Quakers. The weakness of the Quaker cause in his time was due to the fact that the question had not yet become a vital issue.

The Order in Council of 1724 was not inconsistent with the Board of Trade's general policy; but it could not have been obtained so easily had it not been for the support rendered the Massachusetts Quakers by the Society of Friends in England. In the time of William and Mary and during the opening years of Anne's reign, the English Quakers had been recognized as an important element in English society, representing large trading interests and great wealth. With the accession of George I they assumed once more a place of importance, at the return of the Whigs to power, and numbered among their ranks men who in later years were very close to Walpole and the Duke of Newcastle. Their interest in the Quaker cause in New England was kept constantly before the Board of Trade and the Privy Council by the work of the London Meeting for Sufferings through its important representative, Richard Partridge.

If the success of the Quakers of Massachusetts was directly due to the sympathy of Governor Belcher and the changed attitude of the General Court, both of these were

in turn dependent upon the political influence of the London Quakers under the Walpole regime. Belcher recognized their importance and adopted their cause with a view to future support from them; the General Court saw the repeated successes of the Quakers with the Board of Trade and realized the uselessness of continued resistance.

We shall next see how the same general conditions affected the cause of the Anglicans in Massachusetts.

CHAPTER VI.

The Church of England.

In the year 1691 there was but one Episcopal church in the whole province of Massachusetts Bay. By 1725 the number had increased to five, which included King's Chapel and Christ Church of Boston and the rural parishes of Bristol, Newbury and Marblehead. This growth was representative of the work which the Church of England was in this interval doing in the whole line of colonies from Maine to South Carolina and the West Indies.

The advance made by the English Church in the years following the accession of William and Mary was not due to a consistent policy on the part of the English government. In spite of the close personal relation between William III. and Henry Compton, Bishop of London, William's reign, tho friendly to the low churchmen, was concerned especially in ecclesiastical affairs with the interests of the dissenters and was more or less indifferent to the ambitions of the English Church. In the reign of Anne the sympathy of the monarch was thrown in distinctly with the interests of the Church, which was able to take unusual strides in the direction of exclusive rights during the Tory ascendency just preceding her death, but lost this preeminence in the succession of the House of Hanover. Unperfected plans were abandoned under the Whigs whom the accession of George I placed in power, and the authority which soon came to be exercised by Walpole did not in any way improve the situation, as he openly expressed a lack of sympathy.[1]

[1]The relation between the government and the English colonial church during the reigns of Anne and the Georges may be followed in the Journals of the S. P. G. Among the favorable actions taken in the later years of Anne's reign may be mentioned the Order in Council granting appeal from inferior courts to the Queen in Council without limitation, in eccle-

It was therefore in a period of comparative indifference, so far as the government was concerned, that the great colonial work of the English Church was begun, and at the end of forty years was still vainly looking for governmental support. In spite of this deficiency very definite advances were made by the Church of England in the colonies through the work of individuals and organizations.

Two particular forces came together to effect these results. On the one hand the Bishop of London, Henry Compton, early took a lively interest in the transatlantic portion of his diocese, and through his whole life time did what lay in his power to advance the interests of the Church over the seas.[2] The influence which he did possess in William's reign was the result of his low church and Whig leanings which had earlier cost him his authority under James II. He had acted upon the committee of the Privy Council dealing with trade and foreign plantations,[3] and later, at its organization, became an ex officio member of the Board of Trade. In questions which con-

siastical cases, *S. P. G. Letters,* A VII, No. 49, Report of Board of Trade, 25 Nov., 1712; *S. P. G. Journal,* II, 212, 214, 258, July 1712—Jan., 1712/13; the ready extension of the Queen's bounty to the Society's missionaries, Fothergill, *List of Emigrant Ministers to America, 1690-1811; S. P. G. Journal,* II, 341; Popple to the Sec'y, 3 Feb., 1703/04, *S. P. G. Letters,* A I, No. 26; Queen Anne's approval of a colonial bishop, Cross, *Ang. Episc.,* 101; *S. P. G. Journal,* II, 381. Under George I the attempt to establish bishoprics in America was abandoned, Cross, *Ang. Episc.,* 101; *S. P. G. Journal,* IV, 94, 4 Mar., 1719/20; and the whole period of the Walpole regime was full of disappointments. See attempt to have New Jersey act in favor of Quakers disallowed, *S. P. G. Journal,* III, 69, 372, 385, 412; IV, 1-2, 11, 1 July, 1715-19 Dec., 1718; question of the lands in St. Christopher, *S. P. G. Journal,* IV, 94, 96, March, 1719/20; Maryland act regarding ministers' salaries, *S. P. G. Journal,* V, 210, 211-12, 216, 225, June-Nov., 1729; bill in Parliament to restrain the disposition of lands, *S. P. G. Journal,* VII, 22, 23, 35, March-May, 1736.

[2]Compton made an attempt to secure a legal basis for his authority in the colonies; he obtained from Charles II a bounty of twenty pounds for each minister and schoolmaster going to the West Indies; he instituted the practice of appointing commissaries; he was instrumental in securing the charter of the S. P. G. Cross, *Ang. Episc.,* 25-36.

[3]Cross, *Ang. Episc.,* 31; Dickerson, *Am. Col. Gov.,* 19.

cerned ecclesiastical affairs in the colonies it was customary for the Board to secure the recommendations of the Bishop of London,[4] altho his advice was not always followed.[5]

The second force behind the growth of the colonial church in the provincial period was an organization whose origin was due to the interest in the formation of religious societies conspicuous in England at the close of the seventeenth century. The connecting link between the Bishop of London and the religious societies appears in the person of Thomas Bray, bishop's commissary in Maryland, who was instrumental in the founding of the Society for Promoting Christian Knowledge and in the organization of the Society for the Propagation of the Gospel in Foreign Parts. Indications of the later work of the S. P. G. appear in the original constitution of the S. P. C. K. At home this society was to promote religious and secular education through the establishment of libraries and schools; abroad it was to assist the bishop's missionaries in those colonies where no financial provision was made for them, pension ministers' families and establish libraries.[6] The S. P. G., in absorbing the functions abroad of the S. P. C. K., obtained a charter which did little more than repeat these duties with modifications. There had appeared however, particularly in the work of George Keith for the S. P. C. K., a secondary object toward which the earlier society moved and in which it was followed by its successor. In the Quaker of the last decade of the seventeenth century the English Churchman saw not one of an irritating but harmless dissenting sect, but the member of a great organization, non-Christian in its teaching, eccentric in its cus-

[4]Dickerson, *Am. Col. Gov.*, 123-127.

[5]The Massachusetts act of 1702 for the settlement and support of ministers was opposed by Compton before the Board of Trade, but his recommendations did not result in its disallowance. *Mass. Prov. Laws*, I, 509.

[6]"A General Plan of the Constitution of a Protestant Congregation or Society for Promoting Christian Knowledge." Allen and McClure, *200 years of the S. P. C. K.*, 22.

toms.[7] The strongest opposition to its supremacy which the Church of England met in the early eighteenth century came from the Quaker meetings of England and America. In the attack upon them the Quakers saw not only religious intolerance but political injustice as well, for the Anglican was the church of the state, and the Quakers, even more conspicuously than the other English dissenters, were hemmed in by political disabilities. In the colonies the struggle resolved itself into a duel in which the two sides were not unevenly matched. Backed by the two parent bodies at home, the London Yearly Meeting and the English Church, the latter working through the Bishop of London and the S. P. G., the contending parties fought out the battle. In Pennsylvania, where Quakerism had its stronghold, the Anglican was less successful; in Maryland where Bray's chief work was done, opposition set up by the Quakers to the establishment of the English Church, was in time defeated and the act of religion passed and allowed.

As the situation was in each colony modified by conditions resulting from the nature of the colony's early settlement, in New England three varying types of the struggle appeared. In Connecticut the Quaker-Anglican conflict was practically non-existent, for unorthodox religious ideas found little encouragement within its borders. The Church of England, when finally introduced, came among people who were already Anglicans and later proselytized from the Congregational churches of the colony. In Rhode Island the Church found itself facing a number of different religious groups, united in their opposition to

[7] "To reduce the Quakers, who are so numerous in those parts, to the Christian Faith, from which they are totally Apostatiz'd, and so may be look'd upon as a Heathen Nation, it were to be wish'd that a support could be provided for some Missionaries to be sent amongst them, in order to convert them, in the manner that George Keith does travail amongst them here in England to that blessed end, and not without good success." "Memorial given in by Dr. Bray." Allen and McClure, *200 years of the S. P. C. K.*, 23; John Chamberlayne to Elias Neau, Oct., 1700, *ibid.*, 227.

an ecclesiastical system when joined to the state, but differing much among themselves. Of these the Quakers were the largest and most influential body and the only one having a strong support in England. Among these people there was a large number who claimed no particular religious affiliation. In Massachusetts existed a condition midway between these two. As in Connecticut the Congregational church stood firmly supported by legislation which protected it as the favored system. In addition to it, however, there were in the province, as the previous chapters have shown, so many communities of Quakers or of people with other unorthodox religious ideas, that they had, from the beginning of the provincial government, formed a serious problem in the enforcement of Massachusetts ecclesiastical law. For a decade the most important work done by the S. P. G. in Massachusetts was among these people.

The situation in New England was understood by Thomas Bray who distinguished carefully between Rhode Island and the two larger colonies. To the former he would have missionaries immediately sent to deal with atheism; with the dissent of Massachusetts and Connecticut he had no wish to interfere.[8] In two of its other purposes the S. P. G. in its early years gave evidence not only of an unwillingness to clash with New England nonconformity but even of an eagerness to act in conjunction

[8]"In ROAD-ISLAND, for want of a Clergy, many of the Inhabitants are said to be sunk downright into Atheism. The New Generation, being the Off-spring of *Quakers,* whose children, for want of an Outward Teaching, which those Enthusiasts at first denied, being meer *Ranters;* as indeed the Sons of *Quakers* are found to be such in most Places, and equally to deny all Religion. . . . . Nor do I think myself oblig'd to speak here of *New-England,* where *Independency* seems to be the Religion of the Country. My design is not to intermeddle, where Christianity under any Form has obtained Possession; but to represent rather the deplorable State of the *English Colonies,* where they have been in a manner abandoned to *Atheism;* or, which is much at one, to *Quakerism,* for want of a Clergy settled among them." Bray, *A Memorial representing the Present State of Religion on the continent of North America,* London 1700. Printed in Steiner, *Bray,* 159 *et seq.*

with it. When in 1704 the secretary was communicating with the Board of Trade in regard to work among the Indians, he was informed of the existence of the old Society for the Propagation of the Gospel in New England and urged to discover how its funds were employed. A later letter from Sir William Ashurst to the secretary described most cordially the work of this organization.[9] At about the same time an account came to the S. P. G. of an organization in New England known as the Society for the Propagation of Religion, founded on the pattern of the corresponding societies existing in London. The S. P. G. exchanged publications with this society.[10]

The principle laid down by Bray was carried out in the work of George Keith and John Talbot, its first missionaries. George Keith especially, having himself passed from Quakerism to Keithian Quakerism and thence to the Church of England, made his great work to lead his former friends from their "errors." With this in view Keith and Talbot went early to Rhode Island, the center of New England Quakerism.[11] There they found one Anglican church already in existence, as Newport had been favored by Bray three years before the founding of the Venerable Society. Its first two ministers, both sent out by Comp-

[9] *S. P. G. Letters,* A I, No. 26; A II, No. 148. See also references to this society in *S. P. G. Journal,* II, 259-266, 16 Jan. and 13 Feb., 1712/13.

[10] Edward Bromfield to Thomas Bromfield, 9 Oct., 1704, *S. P. G. Letters,* A II, No. 29; Edward Bromfield to the Sec'y, 24 Feb., 1707, *ibid.,* A III, No. 178. In later years the cordiality between the S. P. G. and this organization in New England disappeared as the leaders of the latter society became interested in placing Congregational ministers in "unorthodox" towns. In some of these the S. P. G. was already at work.

[11] The religious situation in Rhode Island at this time is described in a memorial sent by Honeyman to Nicholson. It is called a "Melancholy Scene," the people divided into many sects and presenting "a dismal view of the Triumph of the Empire of darkness over the Kingdom of Our Lord Jesus." Among these are 1. Quakers, 2. Anabaptists divided between those observing the first and those the seventh day of the week, 3. Gortonians, 4. those living with no religion at all, 5. Independents and a few members of the 6. Church of England. *S. P. G. Papers,* B I, No. 176.

ton,[12] were followed in 1704 by the Rev. James Honeyman who had crossed originally to be in the Narragansett country.[13] Many letters were written in the early days of the Society, urging that a missionary be sent to the west shore of Narragansett Bay,[14] but the place was not supplied until 1717.[15] In 1723 the little church in Providence received a minister.[16]

In Massachusetts Keith and Talbot visited chiefly the towns which most closely resembled Rhode Island, on Cape Ann and in the boundaries of the old Plymouth Colony. It was not, however, in the strongly Quaker community of Dartmouth or in the part-Quaker, part-Congregational towns of Salem and Lynn, Sandwich and Falmouth, that they met their warmest welcome. Instead of this it was in that group of Rhode Island border settlements which had given the Bristol justices their greatest problem in administration, through an indifference to religious teaching and a strong determination to have political and personal liberty, that these men were most kindly received. Around a nucleus of sincere Churchmen gathered a group of independent or negative thinkers, more than ready to meet Massachusetts ecclesiasticism with any stronger weapon.[17] Such was the condition in Freetown, Tiverton,

[12]Bray to the Sec'y, 24 May, 1704, *S. P. G. Letters,* A I, No. 164; Church at Newport to the Sec'y, 29 Sept., 1702, *ibid.,* A I, No. 54; J. Brenton to the Sec'y, 15 Nov., 1710, *ibid.,* A VI, No. 6.

[13]Pascoe, *200 Years of the S. P. G.,* 42; J. Brenton to the Sec'y, 15 Nov., 1710, *S. P. G. Letters,* A VI, No. 6.

[14]*S. P. G. Journal,* I, 29, 27 Feb., 1701/02; S. Myles to Bp. of Glouc., 8 July, 1702, *S. P. G. Letters,* A I, No. 32; Bp. of London to the Sec'y, *ibid.,* A I, No. 35.

[15]Guy to the Sec'y, 10 June, 1717, *S. P. G. Letters,* A XII, 447-448; Shute to the Sec'y, 14 June, 1717, *ibid.,* A XII, 449.

[16]Humphreys, *Hist. Acc't of the S. P. G.,* 323; Johnson's Rep., 18 Jan., 1722/23; *S. P. G. Letters,* A XVI, 42-44 *et alia;* Sec'y to Ch. at Prov., 20 July, 1723, *ibid.,* A XVII, 394-395; Sec'y to Pigot, 20 July, 1723, *ibid.,* A XVII, 397; Pigot to the Sec'y, 13 Jan., 1723/24, *ibid.,* A XVII, 362-365.

[17]"Their good will to ye Church se'ms mostly to [be] from their aversion to Independency & so secure themselves agt ye penal Laws of ye

and Little Compton and less conspicuously in Swansea.[18] Swansea and Little Compton decided for Church of England ministers at an early date,[19] and the group in Swansea under the leadership of one John Brown persisted for several years. Samuel Myles, who was especially fond of this little church, often preached at Swansea, lent books to the people and repeatedly wrote to England in their behalf,[20] but the attempt made by the Society to procure a minister for the town was unsuccessful.[21]

The work of John Brown for the Church of England ministry in Swansea was paralleled by that of Col. Vesey in Braintree, a town which lay outside the lines of the non-Congregational influence and would probably not have been affected by the S. P. G. work but for him. George Keith's report submitted to the society in 1702 stated that the only churches in New England were the one at Boston, the newly founded church at Newport, "and another in Braintry which has no Minister."[22] As early as 1689 there is evidence of Churchmen in Braintree;[23] and in 1702 nu-

province of ye Massachusets Bay wch exacts a maintenance for ye Dissentg (or the Established Clergy as they call them) not only from dissenters of all Denominations, but from ye profess'd & actual members of ye Church of Engld & that too where they have a Minr of their own to help to Support." McSparran to the Sec'y, 7 Jan. 1723/24, *S. P. G. Letters,* A XVII, 359-362. Also Bridger to Lucas, 7 Oct., 1718, *ibid.,* A XIII, 521-523; Pigot to the Sec'y, 13 Jan., 1713/14, *ibid.,* A XVII, 362-365.

[18]*Prot. Episc. Hist. Soc. Colls.,* I, xxvi; Bp. of London to the Sec'y, 19 Feb., 1702/3, *S. P. G. Letters,* A I, No. 53.

[19]*Keith's Journal,* 22, 23, 27 and 30 Aug., 1702; *Prot. Episc. Hist. Soc. Colls.,* I, xv; Samuel Myles to the Bp. of Glouc., 8 July, 1702, *S. P. G. Letters,* A I, No. 32; Bp. of London to the Sec'y, *ibid.,* A I, No. 35; Keith to the Sec'y, 29 Nov., 1702, *ibid.,* A I, No. 50.

[20]Myles to Bp. of Glouc., 8 July, 1702, *S. P. G. Letters,* A I, No. 32; John Brown to Archbp. of Canterbury, 23 Feb., 1703/04, *ibid.,* A I, No. 158; Myles to Dr. Beveridge, 26 Feb., 1703/04, *ibid.,* A I, No. 160; Myles to the Sec'y, 15 Aug., 1707, *ibid.,* A III, No. 123; Myles to the Sec'y, 16 Dec., 1708, Perry, *Ch. Docs., Mass.,* 83.

[21]*S. P. G. Journal,* I, 150, 156, 16 June, 1704.

[22]*Prot. Episc. Hist. Soc. Colls.,* I, xv.

[23]Adams, *Hist. of Quincy,* 37.

merous applications were made in their behalf.[24] The Society responded in the following year by sending William Barclay to the town, but his stay was brief.[25] As a matter of fact, the inevitable hostility between the standing order and the Churchmen had been increasing and at this time broke out in the prolonged warfare which the town waged over the questions of increasing the minister's salary and forming a second precinct.[26] In this struggle the standing order resorted to any means to deride the Churchmen, while the small Episcopal group was not above allying with itself the disaffected of the community.[27]

From the time of Barclay's departure the affairs of Braintree were considered by the Society in connection with the other towns of southeastern Massachusetts, and about them all Henry Compton was very doubtful.[28] Tho Myles, who as late as 1708 was writing in their behalf, finally reached the conclusion that the number of sincere Churchmen was too small to warrant sending a missionary,[29] appeals from the various towns continued.[30] The inhabitants of Freetown went so far as to vote in town

[24]C. Bridge to G. Keith, 19 Nov. 1702, *S. P. G. Letters,* A. I, No. 49; Myles to Bp. of Glouc., 8 July, 1702, *ibid.,* A I, No. 32; Lewis Morris to Archdeacon Beveridge, 27 July, 1702, Perry, *Ch. Docs., Mass.,* 72-73; Bp. of London to the Sec'y, 19 Feb., 1702/03, *S. P. G. Letters,* A I, No. 53.

[25]Talbot to the Sec'y, 7 April, 1704, *Prot. Episc. Hist. Soc. Colls.,* I, xlii; Bp. of London to the Com., 13 May, 1704, *S. P. G. Letters,* A I, No. 156.

[26]Adams, *Hist. of Quincy,* 29-33, 42; Foote, *Annals of King's Chapel,* I, 147.

[27]Perry, *Ch. Docs., Mass.,* 84-85. The belief of the Episcopal party was that the attempt made to divide the town had as its purpose the prevention of a Church of England minister's coming to the place. Perry, *Ch. Docs., Mass.,* 91-93, 95; Pres. Leverett to the Sec'y, 1 Nov., 1711, *S. P. G. Letters,* A VI, No. 156.

[28]Bp. of London to Myles, 14 Feb., 1705, *Fulham Mss.,* R. I.

[29]Myles to the Sec'y, 16 Dec., 1708, Perry, *Ch. Docs., Mass.,* 83; Colman to White Kennett, Nov., 1712; Turell, *Colman,* 124; Pres. Leverett to the Sec'y, 1 Nov., 1711, *S. P. G. Letters,* A VI, No. 156.

[30]Honeyman to the Sec'y, 27 Oct., 1709, *S. P. G. Letters,* A V, No. 54; Honeyman to the Sec'y, 6 Nov., 1710, *ibid.,* A VI, No. 7.

meeting in 1707 to apply to the Bishop of London for a missionary, arguing that by this means they could free themselves from presentment for lack of a minister.[31] Upon this principle the town pleaded when presented in 1708;[32] but the Court of General Sessions failed to view the matter in the same light, and, upon a petition from the selectmen, who were not in favor of the movement, appointed a minister for the town.[33]

The Venerable Society in the meantime was having difficulty in procuring ministers for independent villages of the type of Freetown and Tiverton. James Honeyman of Newport, who in 1709 began to hold week day lectures regularly in the towns on the eastern shore of the bay, reported that the people were "very ignorant and rude in religious matters, . . . yet very grave and attentive at Divine worship."[34] Of this same parish William Guy wrote a few years later that the "generality of the people (as I am well informed) are almost (in all these places) as ignorant as the very Heathens."[35] As the numerous attempts which the Society made to supply this region met with little success, Honeyman continued this work for many years, preaching usually at Tiverton but also at Freetown and Little Compton.[36]

When in 1712 Thomas Eager was sent by the Society to Braintree, he was ordered to preach likewise at Swansea and Little Compton; but distance as foreseen made the task difficult and Eager's speedy departure ended the scheme.[37] The church now declined rapidly and no suc-

[31] *Bristol Sessions,* II, 131, 132.

[32] *Ibid.,* II, 136, 140, 141.

[33] *Ibid.,* II, 214.

[34] Humphreys, *Hist. Acc't of the S. P. G.,* 62; "Memorial concerning Braintree," 9 Dec., 1713, Perry, *Ch. Docs., Mass.,* 95.

[35] Perry, *Ch. Docs., Mass.,* 129.

[36] Honeyman to the Sec'y, 12 July, 1711, *S. P. G. Letters,* A VI, No. 106; Honeyman to Nicholson, 3 Dec., 1714, *ibid.,* A X, 278-279; Honeyman to the Sec'y, 4 Jan., 1714/15, *ibid.,* A X, 279; Honeyman to the Sec'y, 16 Sept., 1715, *ibid.,* A XI, 381-382.

[37] Dudley to the Bp. of London, 19 Dec., 1712, *S. P. G. Papers,* B I, No. 127; *ibid.,* B I, No. 164.

cessful attempt was made to revive it for many years.[38] It was at this time that the case was taken up by Sir Francis Nicholson, one of the most aggressive of the royal governors, who held appointments at various times in Virginia, New York and South Carolina. As an ardent Churchman he took special interest in the situation, and recommended a lay reader for Braintree and two itinerants for the whole group of country villages.[39] But neither suggestion was accepted and Honeyman continued his work on the mainland, using Tiverton, the most centrally located, as his chief place of labor,[40] and establishing there a regular lecture in a meeting house formerly built for a Congregational minister but unused at the time.[41] In 1716 Honeyman was ordered to withdraw his services from the eastern shore[42] as it was included in the parish of William Guy, sent by the Society to officiate at Narragansett, Tiverton, Freetown and Little Compton;[43] but at Guy's sudden departure, he again resumed his former labors.[44] In 1721, when some of the inhabitants of the growing town of Bristol made application to the Society for a Church of England minister, giving promises to build a church, the Episcopalians of the neighboring Freetown, Tiverton, Swansea, and Little Compton were included.[45] Although James Orem, who arrived in the following year,

[38] *S. P. G. Papers,* B I, No. 164; Braintree to Nicholson, 11 Dec., 1713; *ibid.,* B I, No. 168; Sir Chas. Hobby to the Sec'y, 11 Dec., 1713; *S. P. G. Letters,* A VIII, 529-530.

[39] Nicholson to the Sec'y, 1 Dec., 1713, *S. P. G. Letters,* A VIII, 526-527; same to same, 11 May, 1714, *S. P. G. Papers,* B I, No. 178.

[40] *S. P. G. Journal,* II, 369, 30 Mar., 1714.

[41] Honeyman to the Sec'y, 3 Oct., 1715, *S. P. G. Letters,* A XI, 383.

[42] Sec'y to Honeyman, 23 Apr., [1716], *S. P. G. Letters,* A XI, 417.

[43] Shute to the Sec'y, 14 June, 1717, *ibid.,* A XII, 449.

[44] Honeyman to the Sec'y, 26 Aug., 1718, *ibid.,* A XIII, 519-520 *et alia;* Honeyman to the Sec'y, 18 Oct., 1718, *ibid.,* A XIII, 530-532 *et alia.*

[45] McSparran to the Sec'y, 24 May, 1721, *ibid.,* A XV, 127-129; McSparran to Nicholson, 26 May, 1721, *ibid.,* A XV, 131; Bristol to the Society, 30 May, 1721, *ibid.,* A XV, 132-133; Bristol to the Society, 8 Dec., 1721, *ibid.,* A XV, 152-153; Honeyman to the Sec'y, 15 Mar., 1721/22, *ibid.,* A XVI, 273-275; *et alia.*

stayed only a few months,[46] the church began at this time a permanent existence, and was for many years the only Anglican society in southeastern Massachusetts. With the establishment of the church at Providence the Episcopalians at Attleboro and Barrington, Swansea and Rehoboth became associated with this group, but the Bristol church remained the center for Freetown, Tiverton and Little Compton,[47] and Honeyman continued his week-day lecture among them.[48]

In addition to the towns already mentioned there were several others in the region south of Boston which by 1735 numbered some Anglicans among their inhabitants. Until separate churches were founded these scattered people were included in the parish of Christ Church, Boston, and Timothy Cutler often travelled into the country to hold special services. When in 1725 he went to Braintree to administer the sacrament, he found the people collecting money to build a small church and anxious to revive the society which had died out a dozen years before.[49] In 1727 the Society responded to their application for a minister[50] and sent over Ebenezer Miller who served the church at Braintree for thirty-four years.[51] The

[46]Bristol to the Society, 4 June, 1722, *S. P. G. Letters,* A XVI, 275-276; Orem to the Sec'y, 4 July, 1722, *ibid.,* A XVI, 292-296; Orem to the Sec'y, 30 Oct. 1722, *ibid.,* A XVI, 314-315; James McSparran of Narragansett who helped supply the Bristol parish at Orem's departure wrote, "the 3 Towns now menconed [Freetown, Tiverton and Little Compton] have each of them a few (& but a few people that incline to ye Ch: of Engd but have hitherto made no advances towds having the Worship of God accordg to yt way setled among them, Save that ye building of Bristol Church." McSparran to the Sec'y, 1 May, 1723, *ibid.,* A XVII, 342-345.

[47]Usher to the Sec'y, 27 Dec., 1726, *ibid.,* A XIX, 459-460; Pigot to the Sec'y, 11 Sept., 1727, *S. P. G. Papers,* B I, No. 223.

[48]Honeyman to the Sec'y, 10 April, 1728, *S. P. G. Letters,* A XXI, 403-404; Honeyman to the Sec'y, 6 July, 1731, *ibid.,* A XXIII, 251-252; Honeyman to the Sec'y, 27 Nov., 1734, *ibid.,* A XXV, 159.

[49]Checkley to Thos. Bennet, 15 June, 1725, Slafter, *Checkley,* II, 174-175; Cutler to the Sec'y, 23 Sept., 1725, Perry, *Ch. Docs., Mass.,* 184-185.

[50]Braintree to Nicholson, 28 Dec., 1726, Perry, *Ch. Docs., Mass.,* 208-209.

[51]Foote, *Annals of King's Chapel,* I, 259.

first service held in Scituate was also in 1725, and during the next few years Cutler and Miller supplied the town.[52] A church was built in 1732[53] which accommodated the neighboring towns of Pembroke and Hanover,[54] Marshfield and Halifax,[55] and a minister arrived in the following year.[56] Soon after this Cutler reported preaching at Dedham and also at Mendon, the partly Quaker town north of Providence,[57] while the ministers of Braintree and Scituate alternated in officiating at Bridgewater.[58]

Success in the founding of a church in Bristol several years before any other town south of Boston boasted a permanent organization is explicable. Tho in the beginning its establishment seems to be due to the anti-Congregational feeling in the region for which it was county seat, the later history of the church there shows that it was largely economic causes that assured its success. Bristol was a growing commercial town sharing with Providence and Newport the trade of Narragansett Bay. Because of this commerce there was a constant arrival from across the sea of English strangers, many of them Anglican in sympathy.[59]

To this same cause may be traced the early demand for an Episcopal Church in Marblehead, the chief commercial town of northern Massachusetts. John Talbot, preaching at Marblehead in 1707, found the people "terribly pleased (as their phrase is)" and ready to subscribe toward building a church.[60] In 1714 they petitioned the

[52]Miller to the Sec'y, 25 May, 1729, *S. P. G. Letters,* A XXII, 163-164; same to same, 5 Oct., 1732, Perry, *Ch. Docs., Mass.,* 289-290; Cutler to the Sec'y, 29 Nov., 1732, *S. P. G. Letters,* A XXIV, 97-98; *S. P. G. Abstract, 1728-1729,* 47.

[53]Miller to the Sec'y, 5 Dec., 1732, *S. P. G. Letters,* A XXIV, 154.

[54]Petition from people of Scituate, 30 Nov., 1732, *ibid.,* A XXIV, 160-161.

[55]Davenport to the Sec'y, 10 Nov., 1735, *ibid.,* A XXV, 324-328.

[56]Davenport to the Sec'y, 3 Nov., 1733, *ibid.,* A XXIV, 431.

[57]Cutler to the Sec'y, 9 Nov., 1734, *ibid.,* A XXV, 154-155.

[58]Miller to the Sec'y, 26 Dec., 1734, *ibid.,* A XXV, 168.

[59]Munro, *History of Bristol, R. I.*

[60]Talbot to the Sec'y, 13 Dec., 1707, *S. P. G. Letters,* A III, No. 158.

Society for a missionary,[61] who arrived in the person of William Shaw in the following year.[62] In succeeding years Marblehead became the center for the church service in the region north of Boston and had many communicants in the neighboring coast town of Salem which in 1734 erected a church of its own.[63]

There were also by 1735 Churchmen in the towns of Ipswich,[64] Newbury, Amesbury and Salisbury, in the vicinity of Portsmouth, New Hampshire, and in the Maine towns of York, Kittery and Piscataqua.[65] One of these, Newbury, was the first community in the province outside of Boston to organize permanently an Anglican church and to be supplied with a resident missionary. The movement was, however, not caused by a Church of England group within the town but came out of a long protracted struggle between two factions in the precinct Congregational Church of West Newbury. The minority, angered by the actions of their opponents and a General Court order in favor of the latter, were approached by John Bridger of Portsmouth, N. H., surveyor general of Her Majesty's forests, and agreed at his suggestion to proclaim a definite schism from their neighbors by declaring for

[61]*Prot. Episc. Hist. Soc. Colls.*, I, 61; Perry, *Ch. Docs., Mass.*, 113; Marblehead to the Society, 5 April, 1714, *S. P. G. Papers*, B I, No. 171; Marblehead to Nicholson, 5 April, 1714, *ibid.*, B I, No. 172. In referring to this letter Nicholson wrote, "The town of Marblehead is . . . one of the most thriving in the Country, by reason of the Fishing Trade—very many Ships loading there with dry Cod fish for Portugall Spain and the Streights; If the Society would be pleased to send a good Missionary thither & that as soon as possible I beleive there would be a very considerable Congregation of the Church of England." 11 May, 1714, *ibid.*, B I, No. 178; Myles to the Sec'y, 23 July, 1714, *ibid.*, B I, No. 188.

[62]Shaw to the Sec'y, 13 Jan. 1715/16, *ibid.*, A XI, 385-386.

[63]Pigot to the Sec'y, 29 Apr., 1728, *ibid.*, A XXI, 405; Pet. of Salem to the Society, 1 Aug., 1733, *ibid.*, A XXIV, 417-418; Salem to the Society, 30 Dec., 1734, *ibid.*, A XXV, 171-172; *Mass. Archives*, XI, 413.

[64]Pigot to the Sec'y, 6 Aug., 1733, *S. P. G. Letters*, A XXIV, 419.

[65]Plant to the Sec'y, 24 Sept., 1732, *ibid.*, A XXIV, 139-140; Pigot to the Sec'y, 29 Oct., 1733, *ibid.*, A XXIV, 426; Plant to the Sec'y, 6 Dec., 1734, *ibid.*, A XXV, 162.

the Church of England.[66] Bridger assured the people that if they would petition for a Church of England minister, they would be freed from contributing to the precinct church, while a missionary would come supplied with a salary by the Society. This argument was of importance in effecting the results, but later events proved that a misunderstanding had occurred.[67]

John Lambton, a chaplain of the Queen's navy, officiated in Newbury for a short time in 1713-1714, and was succeeded by Henry Lucas, an eccentric man, who painted a picture of his unusual parish in dark colors. According to Lucas the first steps were taken to frighten the precinct, never with the thought that the Honorable Society would actually grant the petition and send a minister.[68] While there doubtless were several sincere Churchmen among the apostates of Newbury, the group as a whole was, according to Benjamin Colman, simply a typical country church faction, possessing, in the matter of church practices, those very prejudices which made them look with horror upon such tendencies as the Brattle Street church represented, and as far from Episcopacy as could well be imagined.[69]

[66]Coffin, *Hist. of Newbury,* 151 *et seq.;* Currier, *Ould Newbury,* 363-395; Currier, *History of Newbury, Mass.,* 332-357; 369-374; "Mem. of John Bridger," 4 Dec., 1711, Perry, *Ch. Docs., Mass.,* 99; Pet. of Newbury to the Bp. of London, *S. P. G. Letters,* A VII, 93; Bp. of London to the Sec'y, 4 Feb., 1712/13, *ibid.,* A VII, 45; *et alia.*

[67]"Mem. of John Bridger," 4 Dec., 1711, Perry, *Ch. Docs., Mass.,* 99; Bridger to Lord Dartmouth, 2 Feb., 1711/12, *ibid.,* 102; Lucas to the Sec'y, 19 June, 1720, *ibid.,* 132; "But they chuse the Church because they would save their Rates to the other Ministers is very plaine to me." Bridger to Lucas, 7 Oct., 1718, *S. P. G. Letters,* A XIII, 521-523.

[68]Lucas to the Sec'y, Perry, *Ch. Docs., Mass.,* 127.

[69]Colman stated that while Belcher of the West Precinct of Newbury was a man of unusually catholic principles, the people of Queen Anne's Chapel were "till now among the most *narrow* and *rigid* Dissenters, who would before this have disowned *me* in particular, for the Use of the *Lord's Prayer,* reading the *Scriptures* and a freer Admission to the *Lord's Table,* than has been generally practiced in these Churches." Colman to White Kennett, Nov., 1712, Turell, *Colman,* 124.

From this review of the work of the S. P. G. in rural Massachusetts it will appear that in its beginning and during the first ten years of the Society's history it was little more than the local application of the great Anglican-Quaker struggle going on in all the colonies. By the end of that time the Church had found a foothold and other causes accounted for its growth. These were principally two,—the increase of the over-sea element in the commercial towns of the province, and the subsequent proselytizing from the churches of the standing order. A town quarrel was the basis of the introduction of the Anglican service at Newbury, and in various other communities local disagreements helped to feed the missionary establishment of the Church of England.

Coincident with this second phase of the Church's development in the province, came a new alignment of parties. The Massachusetts Congregationalist had come to see in the Anglican minister not a missionary to "Quaker and irreligious" towns or to the Indian natives, but rather the representative of an organization and practice which the Puritan of two generations before had come into the wilderness to escape, and which in spreading would exert a political as well as a religious influence which might prove hostile to the system of the land. Succeeding years therefore witnessed the conflict between the ecclesiastical laws of Massachusetts and the demands of the Anglican churches throughout the province.

The Society for the Propagation of the Gospel had scarcely begun its work when it discovered the difficulty which it had to meet in Massachusetts where a state church was supported by public taxation.[70] As early as 1703 the Churchmen in Braintree appealed to Joseph Dudley, asking that the governor and council would order that their estates need not be taxed for ministerial support until a legal trial be held or Her Majesty's pleasure be known.[71]

[70]"Account of the State of the Church in North America by Mr. George Keith and others." *Prot. Episc. Hist. Soc. Colls.*, I, xv.

[71]Documents relating to the case are in the Public Record Office. *C. O., 5, 863.*

Not receiving satisfaction at that time they were in 1710 complaining to the Bishop of London that they were termed Papists and Idolaters and their worship called the "mass," while their estates were forcibly taken from them "by those whose wills are the measure of their actions, for the support of Dissenting ministers."[72]

It is not without some significance that it was the church at Newbury which was the first to go systematically to work, and not altogether ineffectively, to gain exemption. Disgust at ministerial assessments, levied upon them after they supposed they would be immune, was united to a certain resentment long felt against their fellow townsmen. The attempt made early in 1712 to collect from them a ministerial tax, voted before the schism, was the cause of an appeal which they made to Dudley. The petition stated that it was "a thing unknown in her Majesty's dominions that the members of the Church of England should be forced to contribute to the support of the tolerated dissenting Teachers."[73]

Dudley's relation to religious and ecclesiastical concerns within his province was a curious one. Born in Massachusetts, of an old family of the standing order, he was trained in all the customs of his native land and was a member of the church in Roxbury. But while governor of the Isle of Wight he became a communicant of the Church of England; in 1701 he was made correspondent of the S. P. C. K. for that province,[74] and later a member of the S. P. G.,[75] becoming a strong supporter of its work.[76] Returning to New England he soon found that he had incurred the hatred of his own circle, but was at the same time never able to gain the full confidence of Massachusetts Churchmen.[77] This result came as an inevitable

[72]Perry, *Ch. Docs., Mass.*, 84-85.

[73]*Ibid.*, 99-108; *Sewall's Diary*, 27 Feb., 1711/12.

[74]"Minutes of the S. P. C. K.", McClure, *Eng. Ch. Hist.*, 140, 299, 306.

[75]*S. P. G. Journal*, I, 37, 43.

[76]Keith to the Sec'y, *S. P. G. Letters*, A I, No. 9; Dudley to the Sec'y, 10 Oct., 1706, *ibid.*, A III, No. 4; *S. P. G. Journal*, 18 Jan., 1711/12, II, 153.

[77]Foote, *Annals of King's Chapel*, 147, 175.

consequence of his application in ecclesiastical affairs of his theories as a representative of the British imperial system. His affiliation with the Anglican Church was a practical expression of his advocacy of the enforcement of English law. In his dealings with the religious parties in New England he was above all eager to suppress petty jealousies, to placate the various parties, and by the arrangement of compromises to allay the strife of religious factions as he succeeded to a certain extent with political ones. It was with this object in view that he had given an impression of friendliness to the Quakers, John Tucker, Richard Borden, Joseph Wanton and Ebenezer Slocum, while doing little for them. The same principle he applied in dealing with the Anglicans.[78] Knowing that the matter presented by the representatives of the church at Newbury was outside of his authority, he was, however, anxious to remedy the situation. The result of his consideration was embodied in a communication to the justices of Essex County, dated 28 Feb., 1711/12. After reciting the situation presented in the Newbury petition, Dudley concluded: I am therefore of opinion that the said Petitioners and others that join with them ought to be peaceably allowed in their lawful proceedings therein for their good establishment and ought not to be taxed or imposed upon for the support and maintenance of any other public worship in the said Town of wch I desire all persons concerned to take notice accordingly.[79]

This was no order but a mere recommendation, tho the Honorable Society always thought otherwise and was led by Dudley so to believe.[80] This encouragement prompted the Churchmen of Newbury to go on with their church building and continue resistance to taxation; but the other

[78]In a letter to the Bishop of London, dated 1 Aug., 1705, Dudley justifies the legislation of 1702 and his own attitude. "I freely told the Council when the additional Law was made that it must not be supposed to refer to the Church of England but to such persons profane & irreligious as the preface mentions." *Fulham Mss., Mass.*

[79]Perry, *Ch. Docs., Mass.*, 108.

[80]Dudley to the Bp. of London, 19 Dec., 1712, *S. P. G. Papers*, B I, No. 127; Dudley to the Sec'y, 1 May, 1714, Perry, *Ch. Docs., Mass.*, 97; Pascoe, *Digest of the S. P. G.*, 43.

townsmen were no less determined upon success. Imprisonment followed, from which in the first instance Dudley issued a discharge.[81] A later suit resulted in an appeal to the Inferior Court of Common Pleas, which upon a technicality reversed the judgment previously submitted by the justices of Essex County.[82] This result was in large part due to Sir Francis Nicholson to whom the Newbury Churchmen had applied for aid, as the chief patron of the Church in the colonies.[83] Nicholson employed counsel from his own fortune and went to work with the double purpose of freeing the prisoners and discovering whether there was real authority for their imprisonment. He would doubtless have made a strong appeal to the home government had he found any illegality in the latter, but in this he was disappointed. He did, however, write to the Society[84] while Bridger applied to Dudley. Whatever the governor may have done at this time the west precinct of Newbury registered its understanding of the recent turn events had taken by voting, 2 April, 1714, "to free all those persons that are or shall be for the Episcopal way of worship in ye Precinct from paying any rates to the maintenance of ye Ministry amongst us."[85] Tho an attempt was later made to revive the tax, matters were for the time being quiet.

[81]Dudley to the Bp. of London, 19 Dec., 1712, *S. P. G. Papers,* B I. No. 127.

[82]Perry, *Ch. Docs., Mass.,* 109.

[83]*Prot. Episc. Hist. Soc. Colls.,* I, xxiii, xxv, xxxiii; *S. P. G. Sermon and proceedings, 1712-1713,* 42; Lambton to Nicholson, 1 Jan., 1713/14, 27 Jan., 1713/14, 3 Feb., 1713/14, Perry, *Ch. Docs., Mass.,* 87, 88, 89. There is also a petition from Newbury to the Queen preserved in the Public Record Office, *C. O. 5, 751.* This petition was covered by Bridger with a letter to the secretary of the Board of Trade, dated 7 Dec., 1713.

[84]Nicholson to the Sec'y, 17 Feb., 1713/14, Perry, *Ch. Docs., Mass.,* 91.

[85]Quoted from the records of Newbury in Currier, *Ould Newbury,* 383. In this order Quakers were also included. The account of his travels in America submitted by James Dickenson to the London Yearly Meeting of 1715 records that "at Boston they had large meetings and Service. and also at Newberry where friends as well as the Church of England People (so called) are Exempted from paying to the National Presbyterian Priests there." *Lond. Yr. M.,* V, 134.

During the course of these proceedings in Newbury the Churchmen of Braintree began to take similar measures regarding their treatment at the hands of the standing order. Early in 1713, soon after the coming of Eager, a petition signed by William Vesey and others, and asking that they be freed from ecclesiastical charges, was presented to the Governor and Council.[86] It was considered on May 7 and then referred to the General Court on the ground that it lay within the authority of that body.[87] The petition was accordingly tendered to the General Court in June;[88] but the latter took advantage of a technicality and refused to consider it.[89] It was at this point that Eager sent an appeal to the Venerable Society. "We cannot find," said he "that any of our Communion upon this Northern part of this Continent are obliged to support the Dissenters, but this poor handful of this Town only."[90] Eager's letter produced a communication from the secretary to Governor Dudley.[91]

> The Society conceive this to be a very great hardship [ran the letter] and apprehend it is very much in your Excellency's power to do and procure to be done that which is just and equal to such who are so oppressed, and the rather because they observe in a Letter from your Excellency to the late Lord Bishop of London of the 19th December last, you are pleased to say, that as to such Inhabitants who had declared for the Church of England you had at their request exempted them from payment of taxes to any other Ministers but of the Church.[92]

Such a statement shows how Dudley had succeeded in giving the Bishop of London a different impression from what was actually the case. In his relation to the Episcopal churches of the province Dudley had not gone farther than to make recommendations to the justices of Essex County, and those only in regard to the single town of

[86] Isaac Addington to Wm. Vesey, 23 Apr., 1713, *Fulham, Mss., Mass.*

[87] *Council Minutes,* 7 May, 1713, *Fulham Mss. Mass.*

[88] "The Case of the Church of Brantry," 2 June, 1713, *ibid.; Sewall's Diary,* 2 June, 1713.

[89] Wm. Tailer to Wm. Vesey, 19 June, 1713, *Fulham Mss., Mass.*

[90] Eager to the Sec'y, 12 Aug., 1713, Perry, *Ch. Docs., Mass.,* 91-93

[91] Sec'y to Eager, 18 Dec., 1713, *S. P. G. Letters,* A VIII, 588.

[92] Perry, *Ch. Docs., Mass.,* 96.

Newbury.[93] The Society believed that he had issued general orders and upon this supposition based their appeal to him in the present case. Dudley must have felt some uneasiness at the misunderstanding for he hastened to write, 1 May, 1714, to explain to the secretary that what he had formerly said referred only to Newbury. He was, however, not obliged to confess that this had been nothing but a statement of opinion. Between his two letters affairs at Newbury had developed, and he was now able to record the vote of the west precinct which exempted Anglicans from ministerial charges.[94]

The matter of Braintree was dropped soon after this because of the departure of Eager and the decline of the church.

During the administration of Joseph Dudley the principal application made by the Massachusetts Churchmen for relief from ministerial taxes were to the governor. His effort to smooth matters over and give an appearance of authority prevented the Anglican element from carrying many urgent appeals to the Bishop of London or the Society for the Propagation of the Gospel. Had such appeals been made at this time and solicitations in England followed, it is possible that results for the provincial Churchmen might have been obtained which were long postponed by the death of the strenuous Henry Compton and of Queen Anne.

Lieutenant-governor William Tailer, who acted as chief executive for the year between Dudley's removal and the appointment of Shute, had the confidence of the Anglican ministers in the province as well as of the So-

[93]The secretary referred to the following statement.—"Those that brought me, that address, carry'd Home with them Immediately an order under my Hand Commanding that nothing upon any pretence whatsoever Should be taken from any of them that Declar'd for the Church of England, for the Maintenance of any other Minister." Dudley to the Bp. of London, 19 Dec., 1712, *S. P. G. Papers*, B I, No. 127.

[94]Perry, *Ch. Docs., Mass.*, 97.

ciety,[95] but was not called upon to settle any questions of church and state.

His successor Samuel Shute, altho belonging to an English nonconforming family,[96] became a member of the S. P. G.[97] and pledged himself to support its missionaries.[98] He had occasion to frame a very definite policy regarding the Episcopal churches of the province, and took matters into his own hands. With him a determination to enforce English law was unaccompanied, as in the case of Dudley, with political astuteness and an understanding of New England institutions, so that he was induced to stretch his prerogative in dealing with the Anglican churches.

Not long after Shute's arrival the wardens and vestry of the church at Marblehead presented him with the grievances which they felt in being forced to contribute to the support of dissenting ministers. The governor's response gave temporary satisfaction. He seems to have sent a communication to the selectmen of the town to the effect that the Churchmen ought not to be taxed.[99] The feeling of security which this support gave the church at Marblehead[100] was in reality unfounded, for the selectmen of the town defied Shute's recommendation. The assessors proceeded once more to rate the Churchmen for the support of the ministry and the constables to distrain their

[95]Ministers etc. of the Ch. of Eng. in Boston to the Bp. of London, 29 Sept., 1714, *Fulham Mss., Mass.;* Sec'y to Tailer, 17 Dec., 1716, *S. P. G. Letters,* A XI, 421.

[96]The appointment of Shute was a matter of satisfaction to New England Congregationalists until they discovered his policy. Cotton Mather to Lord Barrington, 4 Nov., 1718, *1 Mass. Hist. Colls.,* I, 105, 106; "Address to His Majesty from the Convention of the Ministers of Christ in New England, "30 May, 1717, *C. O. 5, 752.*

[97]*S. P. G. Journal,* IV, 49, 15 May, 1719.

[98]Shute to the Sec'y, 1 Jan., 1718/19, *S. P. G. Letters,* A XIII, 547.

[99]Marblehead to the Sec'y, 10 May, 1717, Perry, *Ch. Docs. Mass.,* 126-127; Shute to the Sec'y, 10 May, 1717, *S. P. G. Letters,* A XII, 442; Sec'y to Shute, 16 Dec., 1717, *ibid.,* A XII, 473; Marblehead to the Sec'y, Feb., 1717/18, *ibid.,* A XIII, 498.

[100]Shaw to the Sec'y, 31 Mar., 1718, Perry, *Ch. Docs., Mass.,* 130.

goods.[101] Mossom, who in the meantime had succeeded Shaw,[102] wrote to the secretary asking that the Society would communicate with Shute and secure his intercession for his parishioners.[103] Without waiting for this suggestion to take effect he applied to the governor himself in a petition dated June 27, 1722, with the request that His Excellency would be pleased "effectually to interpose" and require the Justices of the Peace and selectmen to exempt members of the church in Marblehead.[104] The result was highly satisfactory to the Anglicans as Shute assumed authority. He immediately addressed an order to the Justices of the Peace and the selectmen of the town of Marblehead requiring them to forbear laying any taxes upon people belonging to the English Church of the town toward the support of "any dissenting Minister."[105]

Altho this order had no effect upon the town or county officials, it inspired the Churchmen of Newbury to make a like appeal. Disregarding its vote of April 2, 1714, the town had recently renewed the taxation of Churchmen. Just one month after issuing the order in regard to Marblehead, Shute wrote a similar one upon Newbury to the Justices of the Peace.[106] It is probable that he repeated the same for Bristol at about this time.[107]

In no one of the towns which Shute favored was his order obeyed. At Marblehead the goods of two men were distrained and several others threatened, upon which Mossom in December, 1722, petitioned the justices at General Sessions, but succeeded only in getting them to write a

[101]Mossom to the Sec'y, 17 Apr., 1719, *S. P. G. Letters,* A XIII, 548; same to same, Perry, *Ch. Docs., Mass.,* 134-135.

[102]Sec'y to Shute, 27 Aug., 1718, *S. P. G. Letters,* A XIII, 544-545.

[103]Mossom to the Sec'y, 11 June, 1722, Perry, *Ch. Docs., Mass.,* 137.

[104]Petition printed in Perry, *Ch. Docs., Mass.,* 139.

[105]Perry, *Ch. Docs., Mass.,* 140; Mossom to the Bp. of London, 28 Apr., 1724, *Fulham Mss., Mass.;* Slafter, *Checkley,* I, 79, note.

[106]Order in full from *Records of Queen Anne's Chapel,* printed in Currier, *Ould Newbury,* 383.

[107]Plant to the Sec'y, 20 Dec., 1726, Perry, *Ch. Docs., Mass.,* 207; Slafter, *Checkley,* II, 33.

letter to the town urging the people to be at peace.[108] In Newbury the situation was similar,[109] and in Bristol a number of persons were imprisoned[110] for failure to pay to the support of the newly arrived Congregational minister, Nathaniel Cotton.[111]

At this point occurred the sudden departure for England of his Excellency Samuel Shute; and the Episcopal clergymen, in continuing their business with the provincial government, found themselves facing the lieutenant-governor Jeremiah Dummer. From the first Dummer announced a policy very different from his predecessor's. While willing to arrange the differences in the Episcopal towns of the province, he recognized far better than Shute what was his own relation to the law. As a native New Englander like Dudley, he was aware that, if concessions were to be made, they must come from the legislative and not the executive body. Orem and Mossom both addressed Dummer soon after Shute's departure and were pleasantly received with the promise from the governor that he would use his influence in their favor.[112] He explained, however, and reiterated many times in the following months, when approached on the same subject, that the laws of the province absolutely supported what the selectmen and constables were doing, so that relief must come in the way of legislation through the General Court.

While Dummer was announcing these facts to the New England clergymen, events were occurring in Eng-

[108]Mossom and Orem to the Bp. of London, *Fulham Mss., Mass.;* petition printed in Perry, *Ch. Docs., Mass.,* 140.

[109]Plant to the Sec'y, 7 Sept., 1726, Perry, *Ch. Docs., Mass.,* 203.

[110]Updike, *Narragansett Church,* II, 469, quoting *Records of St. Paul's Church, Narragansett;* Munro, *Hist. of Bristol,* 140.

[111]Bristol to the Bp. of London, 8 Jan., 1721/22, *S. P. G. Letters,* A XVI, 269-273; Bristol to the S. P. G., 29 Oct., 1722, *ibid.,* A XVI, 306-309.

[112]Mossom to the Bp. of London, 28 Apr., 1724, *Fulham Mss., Mass.* Orem brought to Dummer a petition from the imprisoned Churchmen of Bristol. Munro, *Hist. of Bristol,* 141, quoting *New England Courant,* 11 Feb., 1722/23; Updike, *Narragansett Church,* II, 469, quoting *Records of St. Paul's Church, Narraganett.*

land which soon exerted an important influence upon conditions in Massachusetts. In 1723 John Robinson, Bishop of London and diocesan of the colonies, was succeeded by Edmund Gibson whose ideas in regard to the supremacy of the English Church and the importance of ecclesiastical control in America resembled the theories of Henry Compton. In Compton's time the number of Anglicans in New England was so small, and Dudley had been so eager to keep the religious elements in some degree of quiet, that the complaints which had reached the Bishop and the Society had not created any great disturbance. Under Shute's government the dissatisfaction with conditions had become more expressive; but the Society, not prodded by an active bishop, turned the matter over to the governor; and Shute, by assuming an unconstitutional authority, relieved the Society of further responsibility in the matter. The legal status of the Massachusetts Churchman was not appreciated by the Venerable Society in these years.

The change came at about the time of Gibson's translation to the see of London. He could not have been long in his new position when he received an elaborate communication drawn up by Orem and Mossom soon after the imprisonments at Bristol, seconded by Samuel Myles and Henry Harris of Boston, and urging the presentation of a petition to the King asking for relief.[113] Gibson's immediate reply was a letter to the lieutenant-governor asking for his protection for the clergy of the province;[114] but with characteristic force he went farther. Wishing to understand better ecclesiastical conditions of the colonies, Edmund Gibson at once sent out a set of queries to the various commissaries of his predecessor. Among them was the question: "What public Acts of Assembly have been made & confirmed, relating to the Church or Clergy within that Govt?" The reply made by Samuel Myles, answering for Massachusetts, said:

[113] *Fulham Mss., Mass.*

[114] Cutler to Gov. and Council, 24 Apr., 1724, Perry, *Ch. Docs., Mass.*, 144.

There are Several laws for the Establishing of Independants, & Settling Orthodox Ministers chosen by the people. The Church of England only indulged, as the Anabaptists & Quakers for never in any of the Laws is the case supposed that the Clergy of the Chh of Engld, should be here Supported.

In reply to another question he stated his belief that

It would tend very much to the advantage of the Church, and comfort of the Clergy, if the members of the Chh were freed from any compulsion to pay to the independant ministers, as they are forced to do in many places Particularly in Bristol where the Church people have been imprisoned for not paying their rates towards the maintenance of Mr. Cotton a Dissenting Minister of that Town.[115]

Even before this information could have reached Gibson, the Society was giving serious attention to an account from Mossom of difficulties at Marblehead and of Shute's order. His letter was referred to a committee

to inspect the Laws of that Country, and to examine what has been the practice in other Church of England churches in New England, and also what has been the Usage and Practice in other Governments where the Church of England is the Established Church.[116]

The result of this committee's investigation showed that "every person is rateable by the Governmt there to pay to the Minister chose by the Majority of each Town."[117]

This information, with the facts which the Society was constantly receiving from the Massachusetts clergy and churches, resulted in a new line of action for which Gibson was probably responsible. Shute, who was present at a number of the Society's meetings and was now aware of the unconstitutional position which he had previously taken,[118] was instructed to write to the lieutenant-governor to use what influence he could. But it was agreed that if

[115]Myles to the Bp. of London, 1 June, 1724, Perry, *Ch. Docs., Mass.*, 153-154; Cross, *Ang. Episc.*, 65-66.

[116]*S. P. G. Journal*, IV, 310-311, 19 June, 1724.

[117]*Ibid.*, IV, 312-313, July, 1724. The authority used by the S. P. G. was a compilation made by Nicholas Trott of "Laws relating to the Church and Clergy in America," which had been submitted to the Society in 1720 and published upon its order. *Ibid.*, IV, 104, 105, 8 and 29 Apr., 1720.

[118]*S. P. G. Journal*, V, 70, 17 Dec., 1725; Sec'y to Mossom, 3 Jan., 1725/26, *S. P. G. Letters*, A XIX, 270-271.

Dummer's efforts with the General Court failed, the matter would be taken to the proper place,—the King in Council.[119]

The course of these events was interrupted by another ecclesiastical question in which the Bishop of London had been much concerned. In May 1725 the ministers of Massachusetts made their second attempt to secure governmental sanction for the holding of a synod.[120] A petition from the convention of ministers in Boston was presented to the General Court on May 27. Ten years earlier the New England Yearly Meeting had done its utmost to prevent the sanction of such a synod. Now it was the Boston clergymen who were on the alert before the Yearly Meeting had gathered. Their point of attack was similar to that which the Quakers had taken,—that approval in England of such an act would be the recognition of the Congregational church as the established church of Massachusetts.

The dismissal by the Representatives of a petition from Myles and Cutler against the ministers' memorial was the occasion of an appeal from Myles directly to the Bishop of London. Edmund Gibson in presenting the case to the Duke of Newcastle dwelt upon the constitutional phase of the question,—the legal status of the Church of England in the colonies.[121] Beyond that were the unfor-

[119]See the Mossom correspondence on Shute's Marblehead order, Sec'y to Mossom, 25 Aug., 1724, Perry, *Ch. Docs., Mass.*, 165; *S. P. G. Journal*, IV, 310-311, 312-313, 317, 19 June, 17 July, 21 Aug., 1724; *ibid.*, V, 61, 19 Nov., 1725, quoting a letter from Mossom to the Sec'y, 16 Dec., 1724; Mossom to the Bp. of London, 7 Jan., 1725/26, *Fulham Mss., Mass.*

[120]Cross, *Ang. Episc.*, 67-76; Perry, *Ch. Docs., Mass.*, 170-190.

[121]The two sides of the argument over what was in point of law the established church of Massachusetts appears in numerous writings from the time of the province charter. The clearest statements are by John Checkley and Benjamin Colman. The stand taken by the former is that the Church of England was extended as an established church to the colonies by the Act of Union. Colman's argument is that the King in Council by sanctioning Massachusetts ecclesiastical laws had recognized the Congregational as the established church of Massachusetts. Checkley to Z. Grey, 28 Jan., 1725/26, Slafter, *Checkley*, II, 221; Checkley to T. Bennett, 15 June, 1725, *ibid.*, II, 175; Colman to White Kennett, 17 Dec., 1725, Turell, *Colman*, 137.

tunate results which might occur in England should such a privilege be granted. An example must not be given either to the lower clergy or to the nonconformists. A Whig decision between nonconformists and Anglicans was likely to favor nonconformity rather than churchmanship; but the question was presented in such a way that other interests were at stake. The matter was hurried through the necessary bodies and a judgment rendered which satisfied the higher clergy. Dummer received from the Privy Council a rebuke for his failure to veto the bill,[122] and the matter never came up again in the General Court.

The year following Shute's letter to Dummer saw the arrival of fresh information from Massachusetts but no account of success in the legislature. Relying perhaps upon the outcome of the synod project, the Society in September, 1726, after rereading two special communications, one from the clergy of New England and the other from Mossom, decided that a committee should be appointed to draw up a representation to lay before His Majesty.[123] In the following month a petition framed by this committee was read before the Society "concerning the Members of the Church of England in Connecticut Colony and Massachusetts Bay in New England who are aggrieved in being forced to pay towards the Maintenance of Independent or Dissenting Teachers." William Sharpe was secured to act as counsel and the treasury of the Society was put at the disposal of the committee which was asked to present the Massachusetts and Connecticut laws to the Attorney and Solicitor General for their opinion whether the colonies by virtue of their Charters had power to make such laws "in prejudice of the Church of England."[124] In consequence of the opinion rendered Sharpe was ordered to draw up a representation "in the name of the private Persons who have sent over complaints of their Grievances,

[122]Chas. Delafaye to the Gov. of N. E. by order of the Lords Justices, 7 Oct., 1725, Perry, *Ch. Docs., Mass.*, 189.

[123]*S. P. G. Journal*, V, 99, 16 Sept., 1726.

[124]*Ibid.*, V, 101, 21 Oct., 1726.

to be laid before his Majesty."[125] This petition was lodged in the Council office March 20, on May 13 referred to committee, and on July 14 passed on to the Board of Trade,[126] which considered it on November 10.[127] The document in many respects resembled the Quaker appeal of 1723 but went farther. While the Quakers had been concerned with a disallowance of a particular law, the Anglicans asked for the "repeal" of the whole mass of Massachusetts ecclesiastical legislation under the province charter as inconsistent with the religious provisions of that document.[128] On November 14 the Board of Trade, with the Bishop of London present, gave directions for writing to the Attorney and Solicitor General for their opinion whether the said acts were repugnant to the charter, and if so whether it was in the King's power to repeal them.[129] The failure of the Board of Trade to secure any answer at this time must have been due in part to the political situation. The failure of the Bishop of London and the Society to push the matter farther was in a measure at least occasioned by the Massachusetts law of December 19, 1727.

The solicitation of Dummer by the Venerable Society, falling in as it did with his own policy, was not without effect, tho the progress of events was slow. One of the chief difficulties which had developed in Massachusetts was the imprisonment or distraint of Anglicans in outlying towns who attempted to attend the church service in Bristol, or in Newport, or Providence, outside of Massachusetts

[125] *S. P. G. Journal,* V, 109, 20 Jan., 1726/27.

[126] Perry, *Ch. Docs., Mass.,* 202; *Mass. Prov. Laws,* II, 477; *Acts of the Privy Council,* III, 156.

[127] *Mass. Prov. Laws,* II, 481. This petition is printed in full in *Mass. Prov. Laws,* II, 478-481.

[128] As English lawyers later observed there was at this point a confusion. If the laws were repugnant to the charter no repeal in the legislature was needed but a test case carried to England, resulting in annulment. If they were not repugnant to the charter they could not be repealed without the consent of the General Court as they had already received the royal approbation.

[129] *Mass Prov. Laws,* II, 481-482; Foote, *Annals of King's Chapel,* I, 453; Perry, *Ch. Docs., Mass.,* 202.

jurisdiction.[130] Among the northern towns which experienced the same trouble in less degree was Marblehead whose church had several members living in Salem. The case of Philip English was carried by petition before the lieutenant-governor in the winter of 1725 and he ordered a speedy compromise.[131] Altho Salem greatly resented this interference, a large part of the rate was remitted.[132] Dummer showed on all these occasions a steady support of the Anglican clergy and churches,[133] but disappointed the clergy in his continued policy of non-interference. In repeated complaints to Dummer Matthias Plant of Newbury attempted to gain redress for a number of his parishioners living north of the Merrimac River in the town of Amesbury, where they were rated to the minister of that town. The governor received Plant cordially and went so far as to write to the selectmen of Amesbury, urging them not to molest the Churchmen, until the pleasure of the General Court was known; but the measure was ineffective.[134]

The efforts made by Plant were contemporaneous with the second founding of the church in Braintree which was hardly on its feet before it attempted to gain the governor's order which the other churches in Shute's time had secured. Plant's final memorial and one from Braintree were before the Governor's Council on the same day, November 30, 1726. While Dummer recognized that action on this question, to be valid, must come from the General Court, he had in mind and did propose that a law should immediately be made "that the taxes of those belonging to the Church of England be paid by the collectors to the

[130]Updike, *Narragansett Church*, 477, quoting *Records of St. Paul's Church, Narragansett;* Providence to the Sec'y, 12 May, 1725, *S. P. G. Letters*, A XIX, 228-229.

[131]*N. E. Hist. and Gen. Reg.*, XXXV, 163.

[132]Mossom to the Bp. of London, 7 Jan., 1725/26, *Fulham Mss., Mass.*

[133]Dummer to the [Bp. of London], 15 Nov., 1725, *ibid.;* Harris and Mossom to the Bp. of London, 7 Dec. 1725, Perry, *Ch. Docs., Mass.*, 200; Mossom to the Bp. of London, 7 Jan., 1725/26, *Fulham Mss., Mass.*

[134]Plant to the Sec'y, 20 Dec., 1726, Perry, *Ch. Docs., Mass.*, 207.

Ministers of the Church of England to whom they severally do belong." A committee was appointed, Dummer intending that it might report some such measure to recommend to the lower house; but it dismissed the question, merely expressing its opinion that such applications should be made directly to the whole court.[135]

Braintree attempted such application, but its memorial was thrown out by the representatives so promptly that Newbury declined the suggestion. Plant, to whom Dummer explained the case, refused to approach anyone but the governor on the ground that the Bishop of London and the Honorable Society were expecting the Church people to be "protected from rates only by his Honor's orders." To this Dummer replied that "by this time he believed his Lordship, the Bishop of London, and the Society were better informed vizt, that he could not do it."[136] Not long afterwards Dummer carried out his policy in regard to Braintree by writing a letter to Col. Quincy, who was then a member of the Council, asking him to use his influence in adjusting the Anglican difficulties in the town.[137]

Discouraged by the events of November, 1726, both Newbury and Braintree gave up hope of obtaining anything from the local government and turned again to the Bishop of London and the Venerable Society. Plant's letter to the secretary was dated December 20, 1726,[138] and a memorial from Braintree to Nicholson eight days later. "We have done making Application to the Authority here," ran the Braintree statement, "and are quite tired, as you may see by the papers we have sent . . . to be laid before his Lordship & the Honble Society."[139]

In spite of his apparent failures it was the attitude of Dummer which forced upon the General Court some action regarding the exemption of Anglicans. Letters from

[135]Perry, *Ch. Docs., Mass.*, 206; Dummer to Plant, 12 Dec., 1726, *ibid.*, 205.

[136]Plant to the Sec'y, 20 Dec., 1726, *ibid.*, 207.

[137]Dummer to Quincy, 7 Apr., 1727, *Mass. Archives*, XI, 419.

[138]Plant to the Sec'y, 20 Dec., 1726, Perry, *Ch. Docs., Mass.*, 207.

[139]Braintree to Nicholson, 28 Dec., 1726, *Fulham Mss., Mass.*

the Bishop of London and from the secretary of the Society with the continuous stream of complaints from Bristol and Marblehead, Newbury and Braintree only strengthened his opinion of the general wisdom of such action. The General Court had repeatedly thrown out applications from members of dissenting sects, but by 1727 conditions had somewhat changed. On December 5, 1727, there was read in the Governor's Council a proposed act which was little more than a repetition of the scheme which Dummer had outlined in a letter to Plant just twelve months before. Its origin in substance then may be traced to the lieutenant-governor. Its passage in the lower house was due to the events which had occurred in England since the assembly, a year earlier, had thrown out the Braintree memorial. In the spring of the year (1727) news had reached Massachusetts of the progress of the petition which Gibson and the Society were following from Privy Council to Board of Trade.[140] The decision of the crown lawyers regarding the tax act of 1722, rendered three years before this, and of the letter sent to Dummer by the Privy Council in regard to sanctioning a synod, were fresh in the minds of the representatives. The assembly was inclined to believe that a partial exemption of Churchmen, scarcely more than many of them already had secured, was better than a disastrous decision. The Council, already inclined to favor Quakers, made no opposition.[141] On December 7 the act was passed in the upper house, was read in the assembly, and finally on the twelfth concurred in with certain amendments.[142]

This act of December 19, 1727, which was in reality an act for the settlement and support of ministers, contained a clause which gave a limited exemption to Angli-

[140]Cutler to the Sec'y, 24 May, 1727, Perry, *Ch. Docs., Mass.*, 222; Dummer to the Bp. of London, 20 June, 1727, *Fulham Mss., Mass.*

[141]*Pubs. of the Col. Soc. of Mass.*, vol. I. *Transactions*, 142. Jonathan Belcher who was a member of the Council at this time later stated that he did all in his power to promote it. Belcher to the Bp. of London, 5 Oct., 1733, Perry, *Ch. Docs., Mass.*, 292-293.

[142]*Mass. Archives*, XI, 472.

cans. Ministerial rates were to be collected from them as usual; but the money of those who lived within five miles of an Anglican church where there was a "person in orders according to the rules of the Church of England" should be turned over by the collectors to the Episcopal minister. The Churchmen were also exempt from paying to the building of meeting houses. A proviso, however, limited the usefulness of the act. It was stated that if a deficiency occurred in the salary of the Congregational minister by reason of this arrangement, a second assessment could be made in which Churchmen were to be included.[143]

Very general dissatisfaction was felt at so slight a concession. The five mile radius was particularly trying in the parish of the Bristol church; the probability of a second assessment was a cause of complaint; the temporary character of the act was annoying.[144] The people of Barrington and Rehoboth who had joined with the new church at Providence were particularly stirred because no arrangement had been made to cover their position.[145]

Gibson soon learned of the passage of the act[146] and on June 21, 1728, laid it before the Society with criticism. The S. P. G. immediately instructed Sharpe to watch for the arrival of the act at the Board of Trade and inform the Society, that it might be followed to the Privy Council.[147] The bishop also wrote to William Burnet, the newly appointed governor of Massachusetts; but Burnet was too deeply concerned with the salary question between himself and the assembly to do anything more than send a friendly reply to Gibson.[148]

[143]*Mass. Prov. Laws,* II, 459, ch. 7.

[144]Cutler to Capt. John Delapp, 13 May, 1731, Perry, *Ch. Docs., Mass.,* 264-266.

[145]Providence to the Sec'y, 8 July, 1730, *S. P. G. Letters,* A XXIII, 118-119; a petition in behalf of these people was read by the Governor's Council, 5 Sept., 1728, *C. O. 5, 898.*

[146]Checkley to the Bp. of London, 31 Mar. 1728, Perry, *Ch. Docs., Mass.,* 250; Miller to the Bp. of London, 10 May, 1728, *ibid.,* 253.

[147]*S. P. G. Journal,* V, 164, 21 June, 1728.

[148]"As to the two acts about the Lords day, and exempting church men &c I think them both very wrong, and wish they were repealed by

Since November 14, 1727, the petition which the Venerable Society had drawn up in the name of the Massachusetts clergymen had lodged with the Attorney and Solicitor General, and was neglected for various reasons. The passage of the act of 1727 somewhat altered the situation but a new petition was not immediately framed. Sharpe on May 21, 1729, at last succeeded in securing an order from the Board that Popple should write again to the Attorney and Solicitor General to remind them that no answer had been made to the question submitted November 14, 1727, but nothing came of this.[149]

Two years more passed before the English Churchmen were able to secure the attention which they desired. By that time the Massachusetts act of 1727 had arrived officially, as well as the first Quaker and Baptist legislation which made better concessions than the earlier act had given to the Anglicans.[150] Dissatisfaction with the act of 1727 was expressed in a petition drawn up again in the name of Timothy Cutler to the King in Council which on October 28, 1731, was considered and referred to the Lords Committee.[151] On November 1 it was passed on to the Board of Trade[152] who gave it their consideration. This second petition reminded the Board that it had failed to return a report on the earlier memorial but stated that the situation now was somewhat changed by the legislation of 1727. The objections to the recent act were set forth. Finally His Majesty was besought once more to consider the various acts before mentioned as well as the present law, take action upon them and enjoin the governor not to pass any

His Majesty I beleive it would have a good effect if they were so, and the objections mentioned by your Lordship against ym seem to be all well founded. and I wish they could be taught to know that the Independents here are no Established church." Burnet to the Bp. of London, 27 Nov., 1728, *Fulham Mss., Mass.*

[149] *Mass. Prov. Laws*, II, 482.

[150] Cutler to Capt. John Delapp, 13 May, 1731, Perry, *Ch. Docs., Mass.*, 264-266.

[151] *Acts of the Privy Council*, III, 156.

[152] *Mass. Prov. Laws*, II, 482-483; *Acts of the Privy Council*, III, 156; Foote, *Annals of King's Chapel*, I, 455.

act for the future "whereby any Tax shall be laid on the Members of one perswasion for the support of the ministers of any other."[153] As in the former case the Board of Trade, receiving the petition on November 30, 1731, read it and referred it (5 January 1731/32) to the Attorney and Solicitor General with a second reminder of the letter of November 14, 1727.[154]

In the meantime the arrival of Governor Belcher with his friendly attitude toward the Quakers of Massachusetts Bay had caused among the Anglicans of New England a greater commotion than the feeble Quaker legislation of 1728 and 1729 had produced. While the Quaker bill of 1731 was being drafted by a committee of the lower house, Roger Price, in his new official capacity as commissary for New England, presented a memorial to the Governor, Council, and House of Representatives in behalf of the Churchmen.[155] Belcher in receiving his appointment had been given instructions which contained a new clause bearing on ecclesiastical matters. The recent legal recognition of the Bishop of London's jurisdiction in the colonies was now particularly drawn to the various governors' attention with the charge that they give special care to encouraging the bishop's commissaries in their duties.[156] In spite of Belcher's strong anti-Episcopal feeling he was prepared for political reasons to do what was necessary to satisfy Anglican interests in England, and now promised his support.[157]

The committee of the General Court in whose hands the affair was placed was not inclined to make immediate

[153]This petition is given in full in *Mass. Prov. Laws,* II, 483, and in Foote, *Annals of King's Chapel,* I, 454.

[154]*Mass. Prov. Laws,* II, 483-484.

[155]Perry, *Ch. Docs., Mass., 272-273*; Foote, *Annals of King's Chapel,* 455.

[156]*C. O. 5, 916,* 306-307, 20 Mar., 1729/30.

[157]Belcher's answer to Cutler's address to the Governor, *Boston Gazette,* 10-17 Aug., 1730; Belcher to the Duke of Grafton, 12 Dec., 1730, *Fulham Mss., Mass.;* Price to the Bp. of London, Perry, *Ch. Docs., Mass., 272*; Belcher to the Bp. of London, 4 Dec., 1731, 6 *Mass. Hist. Colls.,* VI, 72-73; Belcher to Richard Partridge, 27 Apr., 1732, *ibid.,* VI, 123.

concessions and asked for further proof of disabilities under existing legislation. In spite of immediate action by the joint vestries of King's Chapel and Christ Church, with financial support, nothing came of this petition. Upon receiving news of its failure they proceeded to draw up a further memorial to present to the King in Council,[158] and solicited contributions from the rural churches of New England.[159] On Feb. 7, 1731/32, the new petition was considered by the vestries of the two Boston churches and ordered sent to the Bishop of London; Thomas Sandford was chosen as agent to prosecute the petition to the King, and a local committee was appointed to correspond with him and forward money. John Checkley at this time went into the rural towns to get the memorial signed and to obtain further evidence of distraint.[160]

This petition had no immediate result as the Bishop of London was still busy with the Massachusetts memorial of 1731 for which the Board of Trade's attention had been recently secured. Certain difficulties which made it impossible to gain the attention of authority in 1727 had now been overcome and an opinion from the Attorney and Solicitor General was at last secured, August 16, 1732. Taking up the first petition, drawn before the act of 1727 and complaining of Massachusetts ecclesiastical law, the lawyers pointed out that of the acts therein mentioned the first three had been duly confirmed by the crown, and the subsequent ones had become law when not within the allotted time disallowed in England. In either case such laws could not be repealed by His Majesty without the concurrence of the Massachusetts General Court. The lawyers next proceeded to consider whether the acts were repugnant to the charter and hence void from the beginning.

[158]Foote, *Annals of King's Chapel,* I, 456-457, quoting the *Records of Christ Church.*

[159]Updike, *Narragansett Church,* II, 504-505, quoting *Records of the Narragansett Church.* The Narragansett Church pledged 28 pounds 15 shillings.

[160]Foote, *Annals of King's Chapel,* I, 457-459, quoting the *Records of King's Chapel* and *of Christ Church.*

They pointed out that, while the charter granted liberty of conscience, it did neither institute nor expressly prohibit a provincial church to be established in the colony. To provide for the celebration of the public worship of God and for the maintenance of ministers did not seem to them inconsistent with liberty of conscience. Even if the acts were illegal no extrajudicial declaration could pronounce them so; a judicial proceeding on a test case was necessary. The act of 1727, discussed in the second petition, Yorke and Talbot were asked to pass upon in point of law. But, as they said, it was not a legal objection which was entered against it but prudential, the act not going far enough to please the people whom it was framed to pacify.[161]

Edmund Gibson, when informing Price of this action by the law officers of the crown, expressed the regret that the Church had not taken steps earlier and before the power which the Massachusetts dissenters exercised had become so well established.[162] It is possible that an application in Queen Anne's reign might have proved effective, but for political reasons in England rather than because of developments in Massachusetts Bay. The Hanoverian succession with its substantial Whig support had altered conditions among English Churchmen, and these conditions were reflected in America. There was little chance of obtaining from law officers of the crown any legal opinion at the expense of dissenters during the Walpole regime. Other decisions resembled this one. Gibson was forced to confess that his influence at court was too weak to oppose the party strength of the dissenting interests.[163]

In spite of this condition and the unwillingness of the Honorable Society to push matters under such circumstances, the united vestries of King's Chapel and Christ Church were determined to go farther. Meeting June 26

[161]Perry, *Ch. Docs., Mass.*, 274-288.

[162]Bp. of London to Price, 6 Feb., 1732/33, Foote, *Annals of King's Chapel*, I, 461.

[163]Petition of the Massachusetts Churchmen to the Archbp. of Canterbury, Foote, *Annals of King's Chapel*, I, 464.

and October 19, 1733, they voted to try the one remaining mode of procedure,—a test case. A committee was accordingly appointed to seek the prosecution of such officers as distrained or imprisoned members of the Church of England in the province, to defend Churchmen in traveling to church on Sunday, and Church of England ministers for marrying in the manner of the Church.[164] This measure was followed by a vigorous prosecution of the case of Matthew Ellis of Medford who, upon imprisonment for failure to pay a ministerial tax, sued Richard Sprague the constable. The case went through the Inferior Court of Common Pleas, the Superior Court and the Court of Review. An appeal was denied by the judges of the Superior Court, but was granted by the King in Council, and Sprague was summoned to appear before a committee of the Privy Council to answer for the imprisonment of Ellis.[165]

Meanwhile the Bishop of London, who had met best success when dealing with the Massachusetts governor, applied once more to the same authority; and Belcher now, as Dummer formerly, assumed certain responsibility. The General Court was once more led to consider the disabilities of Churchmen and, probably influenced by the recent action of the Boston Episcopal churches, took up the question of exemption. On July 4, 1734, the Baptists were given the same privileges which the Quakers had obtained two years and a half before; and on December 27, 1735, the Anglicans received a similar recognition.

The law, tho not proving entirely satisfactory to the Church of England in the province, did away with the two chief objections to the act of 1727. While it provided merely for a return of taxes rather than a clear exemption, as in the case of the Baptists and Quakers, and still included Churchmen in a possible second assessment, it took a step forward in its abolition of the five mile clause. A

[164]Foote, *Annals of King's Chapel,* I, 464, quoting *Records of King's Chapel* and *of Christ Church.*

[165]*Ibid.,* 464, 465, 467; Perry, *Ch. Docs., Mass.,* 311-312.

system of identification, similar to the Baptist and Quaker method, was instituted, the minister and church wardens to indicate to the town treasurer who were members of or gave attendance at the Anglican church. The act was in force for five years.[166]

The passage of these two acts, the Baptist and the Anglican laws of 1734 and 1735, rendered practically unimportant the action taken by the Board of Trade and the Privy Council at just this time. At the failure of the petitions in the name of Timothy Cutler which had absorbed the attention of the Bishop of London and the S. P. G.—a failure caused by the unsympathetic decision of Yorke and Talbot,—there still lay before the bishop the Quaker legislation which King's Chapel and Christ Church were denouncing. At the beginning of the year 1736 Gibson and William Sharpe were on the alert regarding it,[167] as a decision was imminent; but the result was not all that might have been desired. The real problem was avoided. In accordance with a report submitted by the Board of Trade the Lords Committee (2 Feb., 1735/36) stated that as the charter granted liberty of conscience to all Christians except Roman Catholics, such exemption ought not to be limited to any one sect of Protestants but extended to all. The act was therefore considered not proper for His Majesty's approbation and was only saved from an unfavorable recommendation by its temporary character, as it was about to expire. The Board of Trade was ordered to draft an additional instruction to Belcher to restrain him from giving his assent in the future to any law of this kind unless the exemption be made general. The order was read at the Board on March 18, 1736.[168]

Belcher was not given an opportunity to show his recognition of this order as there was no attempt to pass further exemption laws during his term of office. Each of the three important dissenting sects had secured a tolerable

[166] *Mass. Prov. Laws,* II, 782, ch. 15, 27 Dec., 1735.
[167] Sharpe to the Bp. of London, 10 Jan., 1735/36, *Fulham Mss., Mass.*
[168] *Acts of the Privy Council,* III, 491-492; *Mass. Prov. Laws,* II, 635.

arrangement which tho irritating was not impracticable. The Anglican law of 1735 was made perpetual in 1742.[169]

The Anglicans of Massachusetts were behind the Quakers in beginning their struggle to resist maintaining the state church, as there were very few of them in the country towns of the province until after the founding of the S. P. G. When once started the struggle resembled the Quaker conflict in the support which it received from the parent body at home, when it met failure in Boston, as well as in its dependence for success upon political conditions in England. The Massachusetts provincial governors understood that their function in ecclesiastical matters was to use their influence in suppressing warring religious factions and in maintaining "liberty of conscience," as their instructions commanded, in accordance with the wording of the province charter. In the instructions of the early provincial governors of Massachusetts there were no special charges in regard to support of the Church of England, but the natural sympathy of men who were stanch Anglicans or who supported the state church of England for political reasons offset this omission, and the governors were generally looked upon as the protectors of Anglican interests. Dudley, who had the clearest vision of his mission as the exponent of British colonial policy, was especially anxious to curb warring ecclesiastical interests and showed a friendly consideration for Quaker as well as Anglican when they came armed with petitions to governor and council, while he readily discharged ecclesiastical prisoners of either body. In spite of his adopted Anglican sympathies he recognized his limitations when faced by any Massachusetts law which had been allowed in England; and in spite of repeated proddings by the Churchmen, he went only so far as to make urgent recommendations to stubborn towns where the Anglicans were in an uncomfortable position. Shute, less well versed in the rights of the Massachusetts legislature, carried the policy of protecting the Church to the point of overstepping his pre-

[169] *Mass. Prov. Laws*, III, 25, ch. 8, 1 July, 1742.

rogative when he made definite orders in regard to the treatment of Anglicans. Dummer, who like Dudley recognized that relief for "dissenting sects" must come from action by the General Court, nevertheless supported the cause of the Church when he used his influence to secure a law in favor of Anglican interests. His work was so effectual that the Massachusetts act of 1727, relating to the maintenance of the ministry, contained a clause for the partial exemption of Anglicans.

Back of the royal governors during this whole period the English Church was itself working busily, through the S. P. G. and the Bishop of London. The scattered Churchmen of Massachusetts very early began to make application to the Society and to the Bishop, seeking relief from ecclesiastical charges, and some earnest recommendations came to Dudley, Tailer, and Shute from across the water. If the number of Churchmen in the country towns of Massachusetts had been larger, their appeals might have had more effect, but they were not pushed consistently, and the opportunity to accomplish something before the death of Queen Anne was lost. A little later the belief that Shute had authority and was exercising it for the benefit of the local Churchmen relieved the Society of responsibility. A changed conception of the power of the governor and a better appreciation of the legal status of Episcopacy in Massachusetts came to the Society at about the time that Gibson succeeded Robinson in the see of London; and under his influence the organization took up seriously the problem of gaining exemption for New England Churchmen. After a study of the Massachusetts ecclesiastical law and an appeal to Dummer to use what influence he could, the Society agreed to carry the affair before His Majesty and address the King in Council. Politics delayed immediate action but the agitation was not without its effect on the Massachusetts General Court. This body was conscious of its unpopularity with the Board of Trade; it feared an unfriendly decision and anticipated it by following Dummer's suggestions and passing the law of 1727. The activity of

the Church party was therefore reflected in Massachusetts legislation but not so far as to satisfy the Anglicans. Finding that the law had gained practically nothing for the local Churchmen, the Society agreed to revive its previous attempt with the crown,—a decision soon strengthened by the passage of the Massachusetts Quaker laws of 1728, 1729 and 1731. The influence of the Bishop of London was not sufficient to gain results satisfactory to ecclesiastical interests, but again the General Court was guided by fear of the possible course which events in England might follow. Governor Belcher's recommendation in favor of a satisfactory law was accepted; the act of 1735 was passed and in 1742 it became perpetual.

CONCLUSION.

This study of church and state in Massachusetts of the early eighteenth century may properly be closed with a summary of the main conclusions which have been reached. While some of these are of local interest merely, others have a much broader significance. The object of the study has been to reconstruct the ecclesiastical system of provincial Massachusetts and to show the steps by which it was broken down through the efforts of hostile forces.

In the year 1691 Massachusetts faced the problem of an ecclesiastical adjustment when she found herself reconstituted as a royal province with an enlarged boundary and a broadened franchise. Her first step was to pass a series of legislative acts and resolves which renewed as far as possible the ecclesiastical law of the seventeenth century, while technically granting liberty of conscience, as decreed by the province charter. When these laws failed to be effective by reason of the pressure of elements opposed to their execution, subsequent laws made an attempt to carry through by pressure what the earlier legislation had been unable to accomplish. Fines, distraint, and imprisonment became more and more common as the laws hardened in a firm endeavor on the part of the law makers to maintain the old standards in the face of changed conditions.

The opposing forces which gave the leaders most uneasiness were two,—the Episcopal element which appeared in the country towns of the province soon after the organization of the Society for the Propagation of the Gospel, and the growing communities of Baptists, Quakers, and "other irreligious persons" who were to be found mainly in the region which had formerly belonged to Plymouth Colony. This second group was made up chiefly of de-

scendants, in the second and third generations, of the Puritan founders of the commonwealth or of Plymouth Colony, who were inclined to carry to its logical conclusion the spirit of independent thinking which had been their heritage. Moving on from the older towns where extreme orthodoxy was the order and social prestige depended on it, they settled in the newer plantations of the northern and southern counties where their variations made less stir with the government at Boston or Plymouth. In due time many of them accepted Baptist or Quaker doctrines, either finding the theology of these sects more satisfying than the extreme Calvinism of Massachusetts orthodoxy, or attracted by a freer political doctrine than that on which they had been reared. There were many who still sympathized with much of the old Puritan teaching and yet stood for a complete separation of church and state such as Rhode Island maintained. Others—and these doubtless made up the greater part of the inhabitants of the villages least under the control of the government—were frankly uninterested in church platforms and creeds, tho not violently opposed to religious teaching. Among such men the leaders of the hierarchy met little opposition so long as they were willing to finance the churches which they were trying to establish and did not endeavor to enforce the law for the maintenance of the ministry.

Such was the condition in Massachusetts in the last decade of the seventeenth century. The old ecclesiastical system was failing to maintain itself in its earlier vigor, and as the laws were made increasingly elaborate, with a view to strengthening the position of the state church, the opposition grew more determined to defy them. The opening of the eighteenth century saw this opposition in two organized camps, that of the Anglican Church, working principally through the Society for the Propagation of the Gospel, and that of the Quakers, supported by the Society of Friends in England. In tracing the steps by which these bodies secured the exemption legislation of the eighteenth century, we observe that the Anglicans

were for a long time less successful than the Society of Friends, and that this difference was caused in very great measure by political conditions in England.

The Society for the Propagation of the Gospel, beginning its work at the opening of the eighteenth century and given an added impulse by the Queen's favor in the years immediately following, failed to realize the opportunity which her support offered, and met reverses after her death. During the early years of the eighteenth century the Society, when receiving appeals from Massachusetts Churchmen, turned to the royal governors with the expectation that they would use their authority to relieve the situation. The governors were distinctly favorable to the Church; and one at least went so far as to issue orders to town officials in a way that went quite beyond his authority. Most of the governors, however, were conscious of their limitations and recognized that a change, if made, must come from the General Court or through disallowance of Massachusetts legislation by the King in Council. When the Venerable Society was at last persuaded of the truth of these statements, it assumed responsibility and carried the matter before the proper body in England. In doing so it met new difficulties, as it was almost impossible to obtain favorable decisions or any real support from the government during the Walpole regime, for the nonconformists constituted too strong a wing of the Whig party to be offended. As a Church society the S. P. G. was finding itself less well supported under the House of Hanover than by the high-church sympathies of Queen Anne. Thus, in spite of the support of the royal governors, the Bishop of London and the Venerable Society, the attempts made by the provincial Churchmen upon Massachusetts ecclesiastical law, were for a time sidetracked, and final success was reached only after the other dissenters had gained recognition and exemption.

Meanwhile the same conditions of English politics which hindered the Venerable Society distinctly favored the English Quakers when they came to make appeals for

their people in Massachusetts. Between 1700 and 1718 innumerable complaints were sent to the London Yearly Meeting by the Quakers of New England and in the latter year, finding earlier methods unavailing, the English Friends decided to address the government and follow up their plea with vigor. The Board of Trade, which was the principal body handling colonial affairs, was dominated by Newcastle during the following critical years of ecclesiastical controversy concerning Massachusetts. The Board was therefore ready to favor Whig interests and was responsible, as we have seen, for a number of decisions in favor of nonconformists as opposed to Churchmen. The situation was altered when the question was one involving Quaker against Puritan—for two of the dissenting sects were here opposing each other. The strong organization of the Society of Friends in England, with its wealth and its political influence, worked in favor of the Quakers in the colonies. The Massachusetts Puritans, on the other hand, were not consistently backed by an influential and wealthy body in England and were therefore left almost alone to resist the attacks of the Quakers on their system. They were, moreover, closely associated in the minds of the British government officials with resistance to law; by its ignoring of the Navigation Acts the General Court of Massachusetts had opposed the British commercial system; it was likewise playing at this time a very independent role in its treatment of the royal governors. The English government took the part of the Quaker in his opposition to the New England Puritan and in doing so struck a blow at the unpopular assembly of Massachusetts.

It was in this way that a small matter of local significance, the application of seventeenth century ecclesiastical law in provincial Massachusetts, was influenced by English party politics and the enforcement of the British colonial system. Throughout the eighteenth century the crown failed to maintain a consistent policy of favoring the English Church in the colonies. The Churchmen of Massachusetts were therefore handicapped in their efforts to

resist the authorities at Boston in spite of the support of the royal governors, the Bishop of London, and the Venerable Society. The Quakers on the other hand, because of their political influence in England, were better able to make headway against the unpopular General Court of Massachusetts.

Altho the exemption legislation gained in this period was not the real religious liberty which was desired, it marked the first retreating step on the part of the aggressive state church of Massachusetts. Since a full disestablishment was not gained until 1833, laws of this sort marked the legal position of the dissenters for almost a hundred years. In the second half of the eighteenth century the Baptists were the great opponents of the Congregational system, and the Church of England was at work during both Quaker and Baptist periods; but the Society of Friends was the agent most responsible for the success gained over Massachusetts ecclesiasticism in the first half of the eighteenth century.

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